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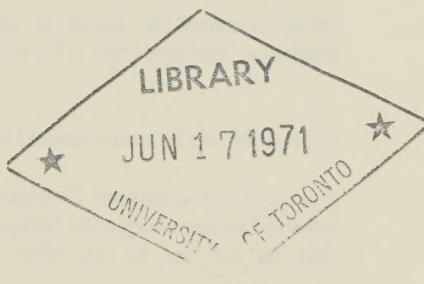
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4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

53

The Corporations Information Act, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill is a revision of *The Corporations Information Act* for the purpose of,

1. including the recommendations of the Select Committee on Company Law to require the registration of business names;
2. simplifying the information required in returns;
3. improving the provisions for enforcement;
4. providing for the filing of annual returns effective on the anniversary of the date of incorporation or amalgamation;
5. omitting the option of corporations incorporated under the *Corporations Act* (Canada) to file a duplicate of the summary filed under that Act.

BILL 57

1971

The Corporations Information Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;
- (d) "Department" means the Department of the Minister;
- (e) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (f) "Minister" means the Minister of Financial and Commercial Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 72, s. 1; 1968-69, c. 17, s. 1, *amended*.

Registration
of business
names

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any.

Idem

(3) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration
and renewals

(4) Every registration made under this section expires in five years after the date of the registration, subject to renewal for a further period of five years from time to time. *New.*

Annual
return

3.—(1) Within two months after each anniversary, following the date upon which this section comes into force, of the date of its incorporation or amalgamation every corporation having its head or other office or carrying on any business, activity or service or a part thereof in Ontario, unless of a class exempted by the regulations, shall make out, verify and file with the Minister a return setting out as of the anniversary of the date of its incorporation or amalgamation,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation or amalgamation;
- (c) the jurisdiction in which the corporation was incorporated;
- (d) whether or not the corporation is in operation;
- (e) generally the actual undertaking of the corporation;

- (f) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director;
- (g) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager and the date on which each became an officer;
- (h) the location of its head office, giving street and number, if any;
- (i) the date on which its last annual meeting was held;
- (j) whether or not the corporation is offering its securities to the public within the meaning of subsection 9 of section 1 of *The Business Corporations Act, 1970*, ^{1970, c. 25}

and where the corporation is an extra-provincial corporation and is licensed to carry on business in Ontario, in addition,

- (k) the name and office address of its attorney for service in Ontario;
- (l) the name and office address of its chief officer or manager in Ontario;
- (m) the location of its principal office in Ontario,

and where the objects of a corporation are in whole or in part of a social nature, the annual return shall state the address of the premises of the corporation, giving the street and number, if any. R.S.O. 1960, c. 72, s. 3 (1); 1968-69, c. 17, s. 2 (1).

(2) A corporation that holds a licence under Part IX of *The Corporations Act* or a predecessor of that Part or under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. Carrying
on business
R.S.O. 1960,
cc. 71, 246

(3) The return mentioned in subsection 1 shall be verified Verification by the certificate of the president or a director of the corporation. R.S.O. 1960, c. 72, s. 3 (2, 3), *amended*.

(4) The corporation shall retain a duplicate of its latest return made under subsection 1 and shall maintain the duplicate available for examination by any shareholder, member or creditor of the corporation during the normal Availability
of copy at
head office

business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. R.S.O. 1960, c. 72, s. 3 (5), *amended*.

Change in
board of
directors

(5) Every corporation to which subsection 1 applies shall file with the Minister a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (2).

Change in
authorized
capital

(6) Where shares of a class are donated to, redeemed, purchased, accepted for surrender or converted by a corporation with share capital incorporated in Ontario, it shall, within thirty days of the date on which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (3).

Extension of
time and
exemption
from fee

(7) The Minister may in his discretion enlarge the time for filing any return and may grant an exemption in whole or in part from the payment of the prescribed fee. R.S.O. 1960, c. 72, s. 3 (11); 1968-69, c. 17, s. 2 (6).

Filing not
complete
until fee
paid

(8) Notwithstanding that a corporation has delivered or filed the return mentioned in this section or a predecessor of this section, the corporation shall be deemed to be in default of filing such return until the prescribed fee payable on the delivery or filing of such return has been paid. R.S.O. 1960, c. 72, s. 3 (11).

Examination
by public

4.—(1) Upon payment of the prescribed fee, any person is entitled to examine any document filed under section 2 or 3 or any predecessor thereof, and to make extracts therefrom. *New*.

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of any document filed with him under section 2 or 3 or any predecessor thereof. *New.* Furnishing
copies

5.—(1) The Minister may at any time by notice require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act, 1970*, c. 25 R.S.O. 1960, c. 71, R.S.O. 1960, c. 72, s. 4; 1968-69, c. 17, s. 3, *amended.* Information
required by
Minister

(2) The Minister or any employee of the Department shall not disclose any information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act, 1970*, or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. *New.* Idem,
disclosure
of

6. The Minister with the approval of the Lieutenant Governor in Council may delegate in writing any of his duties or powers under this Act to any public servant in the Department. *New.* Delegation
by Minister

7.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or if such person is a corporation to a fine of not more than \$20,000. R.S.O. 1960, c. 72, s. 3 (8); 1962-63, c. 25, s. 1 (3), *amended.* Offence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. Knowledge
as element
of offence

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New.* Responsi-
bility of
directors
and
officers,
etc.

General
penalty

8.—(1) Every person who,

- (a) contravenes this Act or the regulations; or
- (b) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is, except where such conduct also constitutes an offence under section 7, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Responsi-
bility of
directors,
officers,
etc.

(2) Where a corporation is guilty of an offence under sub-section 1, every director or officer of such corporation, and, where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. *New.*

Consent to
prosecute

9.—(1) No proceedings under section 7 or 8 shall be commenced except with the consent or under the direction of the Minister.

Limitation

(2) No proceedings under section 7 or 8 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. *New.*

Restraining
orders

10. Where it appears to the Minister or to any shareholder or creditor of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order directing the corporation, director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or other requirement and upon such application the court may make such order or such other order as the court thinks fit. *New.*

Certificates
of Minister

11. The Minister may issue a certificate certifying,

- (a) as to the registration or non-registration of a name or style under section 2;

- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that any person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Department as a director, officer, manager or attorney for service of the corporation named in the certificate. *New.*

12.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the regulations. Execution of certificates of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. *New.* Certificates as evidence

13. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class or classes of corporations from filing returns under section 3;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (d) designating officers of the Department who may sign certificates for the purposes of section 12.
- (e) respecting the form of any document required to be filed under this Act.

14. *The Corporations Information Act, The Corporations Information Amendment Act, 1961-62, The Corporations Information Amendment Act, 1962-63, The Corporations Information* R.S.O. 1960, c. 72;
1961-62, c. 22;
1962-63, c. 25;
1966, c. 29;
1968-69, c. 17,
repealed

The Corporations Information
Act, 1971

1st Reading

June 4th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

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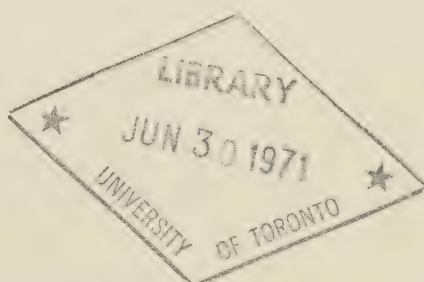
BILL 57

Government
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Corporations Information Act, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

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The Corporations Information Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;
- (d) "Department" means the Department of the Minister;
- (e) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (f) "Minister" means the Minister of Financial and Commercial Affairs or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 72, s. 1; 1968-69, c. 17, s. 1, *amended*.

Registration
of business
names

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any.

Idem

(3) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration
and renewals

(4) Every registration made under this section expires in five years after the date of the registration, subject to renewal for a further period of five years from time to time. *New.*

Annual
return

3.—(1) Within two months after each anniversary, following the date upon which this section comes into force, of the date of its incorporation or amalgamation every corporation having its head or other office or carrying on any business, activity or service or a part thereof in Ontario, unless of a class exempted by the regulations, shall make out, verify and file with the Minister a return setting out as of the anniversary of the date of its incorporation or amalgamation,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation or amalgamation;
- (c) the jurisdiction in which the corporation was incorporated;
- (d) whether or not the corporation is in operation;
- (e) generally the actual undertaking of the corporation;

- (f) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director;
- (g) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager and the date on which each became an officer;
- (h) the location of its head office, giving street and number, if any;
- (i) the date on which its last annual meeting was held;
- (j) whether or not the corporation is offering its securities to the public within the meaning of subsection 9 of section 1 of *The Business Corporations Act, 1970*, c. 25

and where the corporation is an extra-provincial corporation and is licensed to carry on business in Ontario, in addition,

- (k) the name and office address of its attorney for service in Ontario;
- (l) the name and office address of its chief officer or manager in Ontario;
- (m) the location of its principal office in Ontario,

and where the objects of a corporation are in whole or in part of a social nature, the annual return shall state the address of the premises of the corporation, giving the street and number, if any. R.S.O. 1960, c. 72, s. 3 (1); 1968-69, c. 17, s. 2 (1).

(2) A corporation that holds a licence under Part IX of *The Corporations Act* or a predecessor of that Part or under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. Carrying on business
R.S.O. 1960,
cc. 71, 246

(3) The return mentioned in subsection 1 shall be verified by the certificate of the president or a director of the corporation. Verification
R.S.O. 1960, c. 72, s. 3 (2, 3), *amended*.

(4) The corporation shall retain a duplicate of its latest return made under subsection 1 and shall maintain the duplicate available for examination by any shareholder, member or creditor of the corporation during the normal Availability
of copy at
head office

business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. R.S.O. 1960, c. 72, s. 3 (5), *amended*.

Change in
board of
directors

(5) Every corporation to which subsection 1 applies shall file with the Minister a notice of every change in the membership of its board of directors within fifteen days after the change has taken place, and the notice shall specify the date upon which each person became a director or ceased to be a director, as the case may be, and the residence address, giving street and number, if any, of each such person. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (2).

Change in
authorized
capital

(6) Where shares of a class are donated to, redeemed, purchased, accepted for surrender or converted by a corporation with share capital incorporated in Ontario, it shall, within thirty days of the date on which the donation, redemption, purchase, surrender or conversion is effected, file with the Minister a notice setting out,

- (a) the number of shares of the class donated, redeemed, purchased, surrendered or converted;
- (b) the number of shares of the class cancelled;
- (c) the number and class or classes of shares into which the shares were converted; and
- (d) the date on which the donation, redemption, purchase, surrender or conversion was effected. 1961-62, c. 22, s. 1, *part*; 1962-63, c. 25, s. 1 (1); 1968-69, c. 17, s. 2 (3).

Extension of
time and
exemption
from fee

(7) The Minister may in his discretion enlarge the time for filing any return and may grant an exemption in whole or in part from the payment of the prescribed fee. R.S.O. 1960, c. 72, s. 3 (11); 1968-69, c. 17, s. 2 (6).

Filing not
complete
until fee
paid

(8) Notwithstanding that a corporation has delivered or filed the return mentioned in this section or a predecessor of this section, the corporation shall be deemed to be in default of filing such return until the prescribed fee payable on the delivery or filing of such return has been paid. R.S.O. 1960, c. 72, s. 3 (11).

Examination
by public

4.—(1) Upon payment of the prescribed fee, any person is entitled to examine any document filed under section 2 or 3 or any predecessor thereof, and to make extracts therefrom. *New.*

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of any document filed with him under section 2 or 3 or any predecessor thereof. *New.* Furnishing
copies

5.—(1) The Minister may at any time by notice require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act, R.S.O. 1960*, c. 72, s. 4; 1968-69, c. 17, s. 3, *amended.* Information
required by
Minister

1970, c. 25
R.S.O. 1960,
c. 71

(2) The Minister or any employee of the Department shall not disclose any information contained in a return made under subsection 1, except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act, 1970*, or *The Corporations Act*, or where the disclosure is required by a court for the purposes of an action, prosecution or other proceeding. *New.* Idem,
disclosure
of

6. The Minister with the approval of the Lieutenant Governor in Council may delegate in writing any of his duties or powers under this Act to any public servant in the Department. *New.* Delegation
by Minister

7.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or if such person is a corporation to a fine of not more than \$20,000. *R.S.O. 1960*, c. 72, s. 3 (8); 1962-63, c. 25, s. 1 (3), *amended.* Offence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading. Knowledge
as element
of offence

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New.* Responsi-
bility of
directors
and
officers,
etc.

General
penalty

8.—(1) Every person who,

- (a) contravenes this Act or the regulations; or
- (b) fails to observe or comply with any order, direction or other requirement made under this Act or the regulations,

is, except where such conduct also constitutes an offence under section 7, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$20,000.

Responsi-
bility of
directors,
officers,
etc.

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation, and, where the corporation is an extra-provincial corporation, every person acting as its representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. *New.*

Consent to
prosecute

9.—(1) No proceedings under section 7 or 8 shall be commenced except with the consent or under the direction of the Minister.

Limitation

(2) No proceedings under section 7 or 8 shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. *New.*

Restraining
orders

10. Where it appears to the Minister or to any shareholder or creditor of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order directing the corporation, director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or other requirement and upon such application the court may make such order or such other order as the court thinks fit. *New.*

Certificates
of Minister

11. The Minister may issue a certificate certifying,

- (a) as to the registration or non-registration of a name or style under section 2;

- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that any person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Department as a director, officer, manager or attorney for service of the corporation named in the certificate. *New.*

12.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Department as is designated by the regulations. Execution of certificates of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts so certified without proof of the seal or of the signature or the official position of the person appearing to have signed the certificate. *New.* Certificates as evidence

13. The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class or classes of corporations from filing returns under section 3;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (d) designating officers of the Department who may sign certificates for the purposes of section 12.
- (e) respecting the form of any document required to be filed under this Act.

14. *The Corporations Information Act, The Corporations Information Amendment Act, 1961-62, The Corporations Information Amendment Act, 1962-63, The Corporations Information* R.S.O. 1960, c. 72;
1961-62, c. 22;
1962-63, c. 25;
1966, c. 29;
1968-69, c. 17,
repealed

Amendment Act, 1966 and *The Corporations Information Amendment Act, 1968-69* are repealed.

Commence-
ment

15.—(1) This Act, except section 2, comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

(2) Section 2 comes into force three months after the day on which the remainder of this Act is proclaimed in force.

Short title

16. This Act may be cited as *The Corporations Information Act, 1971*.

The Corporations Information
Act, 1971

1st Reading

June 4th, 1971

2nd Reading

June 10th, 1971

3rd Reading

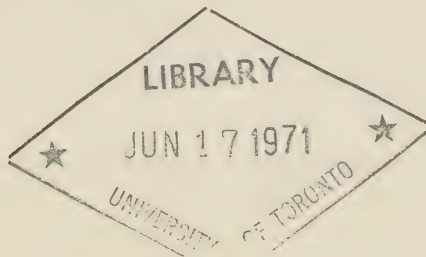
June 17th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crop Insurance Act (Ontario), 1966

THE HON. WM. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Presently, the Act provides that coverage against loss in production of a crop insured under a plan may be extended to include loss arising when the seeding or planting of that crop is prevented by a designated peril. The *Crop Insurance Act* (Canada) permits a broader extension of such coverage to include non-insured agricultural crops when seeding or planting is prevented by excess ground moisture, weather or other agricultural hazards.

The amendment brings the Ontario Act into line with the Canada Act.

BILL 58

1971

**An Act to amend
The Crop Insurance Act (Ontario), 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crop Insurance Act (Ontario), 1966* is amended by ^{1966, c. 34, amended} adding thereto the following section:

5a.—(1) Subject to the approval of the Lieutenant ^{Idem} Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans providing for the insurance within Ontario against loss arising when the seeding or planting of land to an agricultural crop is prevented by excess ground moisture, weather or other agricultural hazards, and the provisions of subsection 1 of section 5 apply *mutatis mutandis* with respect to any plan.

(2) A plan or any provisions thereof may apply to all ^{Application of regulations} of Ontario or to any area within Ontario.

2. This Act shall be deemed to have come into force on ^{Commence-ment} the 1st day of March, 1971.

3. This Act may be cited as *The Crop Insurance Amendment* ^{Short title} *Act (Ontario), 1971*.

An Act to amend
The Crop Insurance Act (Ontario), 1966

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

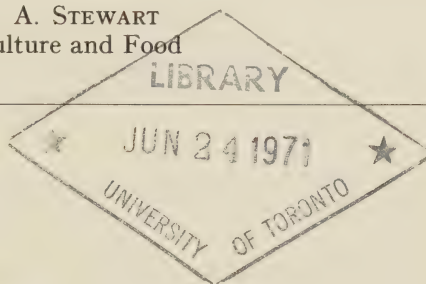
(Government Bill)

BILL 58

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Crop Insurance Act (Ontario), 1966

THE HON. WM. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 58

1971

**An Act to amend
The Crop Insurance Act (Ontario), 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Crop Insurance Act (Ontario), 1966* is amended by <sup>1966, c. 34,
amended</sup> adding thereto the following section:

5a.—(1) Subject to the approval of the Lieutenant ^{Idem} Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans providing for the insurance within Ontario against loss arising when the seeding or planting of land to an agricultural crop is prevented by excess ground moisture, weather or other agricultural hazards, and the provisions of subsection 1 of section 5 apply *mutatis mutandis* with respect to any plan.

(2) A plan or any provisions thereof may apply to all <sup>Application
of
regulations</sup> of Ontario or to any area within Ontario.

2. This Act shall be deemed to have come into force on <sup>Commence-
ment</sup> the 1st day of March, 1971.

3. This Act may be cited as *The Crop Insurance Amendment* ^{Short title} *Act (Ontario), 1971*.

An Act to amend
The Crop Insurance Act (Ontario), 1966

1st Reading

June 8th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 10th, 1971

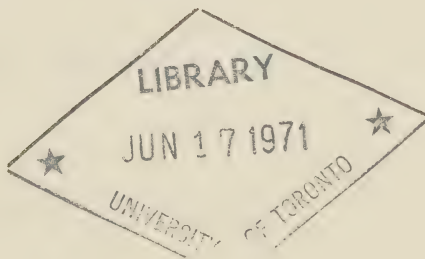
THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to License and Regulate Fur Farms

THE HON. WM. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to implement the transfer of the administration and control of fur farms from the Minister of Lands and Forests to the Minister of Agriculture and Food.

BILL 59

1971

An Act to License and Regulate Fur Farms

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (b) "fur-bearing animal" means a fisher, fox, marten, mink, raccoon or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal for the purposes of this Act;
- (c) "fur farm" means premises where fur-bearing animals are kept in captivity for propagation or the production of pelts for commercial purposes;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "pelt" means the untanned skin of a fur-bearing animal;
- (h) "regulations" means the regulations made under this Act.

2. The administration of this Act is under the control and direction of the Minister.

Administra-
tion of Act

Licence for
operation of
a fur farm

3. No person shall commence or continue to be the operator of a fur farm except under the authority of a licence from the Director in respect of that farm.

Issue of
licence

4. The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee.

Responsi-
bility of
operator

5.—(1) An operator of a fur farm shall maintain in a clean and sanitary condition the premises in which fur-bearing animals are kept.

Idem

(2) An operator of a fur farm shall ensure that all necessary measures are taken to prevent cruelty to or neglect of the fur-bearing animals on the fur farm.

Idem

(3) An operator of a fur farm shall ensure that the pens and enclosures in which fur-bearing animals are kept are constructed and maintained in a manner that will prevent such animals from escaping and other animals from entering.

Permits

6. No person shall,

- (a) take or ship, or cause to be taken or shipped, from a fur farm to a point outside Ontario;
- (b) take or ship, or cause to be taken or shipped, from a fur farm to a point within Ontario; or
- (c) send, or cause to be sent, from a fur farm to a tanner or taxidermist for tanning, plucking or treating in any way,

any fur-bearing animal or pelt except under the authority of a permit prescribed in the regulations.

Containers
to be
marked

7. A container used in the shipment or transportation of fur-bearing animals or pelts from a fur farm shall be plainly marked on the outside in such a manner as to give the quantity and description of the contents and the names and addresses of the consignor and of the consignee.

Inspectors

8.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment

without further proof of the signature or authority of the Minister.

(3) Subject to subsection 4, an inspector may, for the purpose of carrying out his duties under this Act and the regulations, enter any premises or building used in connection with a fur farm or which he has reason to believe are used in connection with the operation of a fur farm. ^{Powers of inspector}

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or occupant. <sup>Entry of dwellings
R.S.O. 1960,
c. 387</sup>

(5) Every person shall, when required by the Director or an inspector, produce any books, records or other documents relating to the operation of a fur farm. ^{Production of records, etc.}

9. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. ^{Obstruction of inspector}

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500. ^{Offence}

11. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) providing for the issue of licences and prescribing the duration, terms and conditions thereof and the fees to be paid therefor;
- (b) declaring animals, other than those mentioned in clause *b* of section 1, to be fur-bearing animals for the purposes of this Act;
- (c) prescribing forms and providing for their use;
- (d) prescribing the records to be made and kept by the operator of a fur farm;
- (e) prescribing the reports to be submitted to the Director by the operator of a fur farm;
- (f) prescribing, and providing for the issue of, permits for the purposes of section 6;

(g) prescribing the duties of inspectors ;

(h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Existing
licences
continued
1961-62, c. 48

12. Every fur farmer's licence issued under section 59 of *The Game and Fish Act, 1961-62*, and expiring with the 31st day of December, 1971, shall continue to be valid and shall be deemed to have been issued under this Act.

Commence-
ment

13. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

14. This Act may be cited as *The Fur Farms Act, 1971*.

An Act to
License and Regulate Fur Farms

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

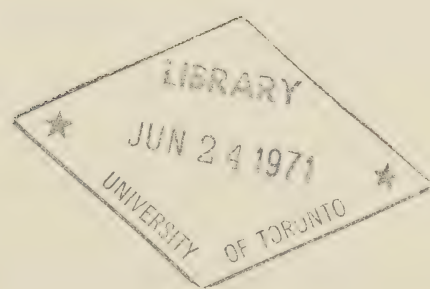
(Government Bill)

BILL 59

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to License and Regulate Fur Farms

THE HON. WM. A. STEWART
Minister of Agriculture and Food



BILL 59

1971

An Act to License and Regulate Fur Farms

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (b) "fur-bearing animal" means a fisher, fox, marten, mink, raccoon or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal for the purposes of this Act;
- (c) "fur farm" means premises where fur-bearing animals are kept in captivity for propagation or the production of pelts for commercial purposes;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence under this Act;
- (f) "Minister" means the Minister of Agriculture and Food;
- (g) "pelt" means the untanned skin of a fur-bearing animal;
- (h) "regulations" means the regulations made under this Act.

2. The administration of this Act is under the control and direction of the Minister. Administra-
tion of Act

Licence for
operation of
a fur farm

3. No person shall commence or continue to be the operator of a fur farm except under the authority of a licence from the Director in respect of that farm.

Issue of
licence

4. The Director shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee.

Responsi-
bility of
operator

5.—(1) An operator of a fur farm shall maintain in a clean and sanitary condition the premises in which fur-bearing animals are kept.

Idem

(2) An operator of a fur farm shall ensure that all necessary measures are taken to prevent cruelty to or neglect of the fur-bearing animals on the fur farm.

Idem

(3) An operator of a fur farm shall ensure that the pens and enclosures in which fur-bearing animals are kept are constructed and maintained in a manner that will prevent such animals from escaping and other animals from entering.

Permits

6. No person shall,

- (a)** take or ship, or cause to be taken or shipped, from a fur farm to a point outside Ontario;
- (b)** take or ship, or cause to be taken or shipped, from a fur farm to a point within Ontario; or
- (c)** send, or cause to be sent, from a fur farm to a tanner or taxidermist for tanning, plucking or treating in any way,

any fur-bearing animal or pelt except under the authority of a permit prescribed in the regulations.

Containers
to be
marked

7. A container used in the shipment or transportation of fur-bearing animals or pelts from a fur farm shall be plainly marked on the outside in such a manner as to give the quantity and description of the contents and the names and addresses of the consignor and of the consignee.

Inspectors

8.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary to carry out and enforce this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment

without further proof of the signature or authority of the Minister.

(3) Subject to subsection 4, an inspector may, for the purpose of carrying out his duties under this Act and the regulations, enter any premises or building used in connection with a fur farm or which he has reason to believe are used in connection with the operation of a fur farm. Powers of inspector

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or occupant. Entry of dwellings
R.S.O. 1960,
c. 387

(5) Every person shall, when required by the Director or an inspector, produce any books, records or other documents relating to the operation of a fur farm. Production of records, etc.

9. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. Obstruction of inspector

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$100 and for a second or subsequent offence to a fine of not more than \$500. Offence

11. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the issue of licences and prescribing the duration, terms and conditions thereof and the fees to be paid therefor;
- (b) declaring animals, other than those mentioned in clause *b* of section 1, to be fur-bearing animals for the purposes of this Act;
- (c) prescribing forms and providing for their use;
- (d) prescribing the records to be made and kept by the operator of a fur farm;
- (e) prescribing the reports to be submitted to the Director by the operator of a fur farm;
- (f) prescribing, and providing for the issue of, permits for the purposes of section 6;

(g) prescribing the duties of inspectors;

(h) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Existing
licences
continued
1961-62, c. 48

12. Every fur farmer's licence issued under section 59 of *The Game and Fish Act, 1961-62*, and expiring with the 31st day of December, 1971, shall continue to be valid and shall be deemed to have been issued under this Act.

Commence-
ment

13. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

14. This Act may be cited as *The Fur Farms Act, 1971*.

An Act to
License and Regulate Fur Farms

1st Reading

June 8th, 1971

2nd Reading

June 10th, 1971

3rd Reading

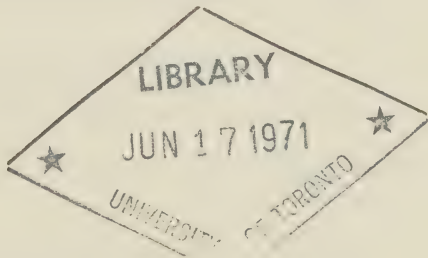
June 10th, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Game and Fish Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendments are complementary to the transfer of the administration of fur farms.

BILL 60

1971

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of section 1 of *The Game and Fish Act*, 1961-62, c. 48, 1961-62 is repealed and the following substituted therefor: 1961-62, c. 48, s. 1, par. 5, re-enacted

5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, and any fur-bearing animal kept on a fur farm, as defined in *The Fur Farms Act*, 1971, but 1971, c. . . does not include native species otherwise kept in captivity or non-native species present in the wild state.

2.—(1) Clause *a* of section 2 of *The Game and Fish Act*, 1961-62 is repealed and the following substituted therefor: 1961-62, c. 48, s. 2, cl. *a*, re-enacted

- (*a*) to domestic animals and domestic birds, except dogs, or, subject to subsection 2, fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act*, 1971. 1971, c. . .

(2) The said section 2 is amended by adding thereto the following subsection: 1961-62, c. 48, s. 2, amended

- (2) This Act applies to fur-bearing animals kept on a fur Idem farm as defined in *The Fur Farms Act*, 1971 in 1971, c. . . respect of offences against sections 59 and 61.

3. Clause *a* of section 56 of *The Game and Fish Act*, 1961-62 is repealed and the following substituted therefor: 1961-62, c. 48, s. 56, cl. *a*, re-enacted

- (*a*) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx,

marten, mink and otter that have been sealed or marked in accordance with this Act ; and

1961-62, c. 48,
s. 57, subs. 1,
cl. b,
re-enacted

4. Clause *b* of subsection 1 of section 57 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor :

fur dealer's

(b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

1961-62, c. 48,
s. 58, subs. 2,
repealed

5. Subsection 2 of section 58 of *The Game and Fish Act, 1961-62* is repealed.

1961-62, c. 48,
s. 59,
re-enacted

6. Section 59 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor :

Hunting and
trapping of
fur-bearing
animals
restricted

1971, c. . .

59. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a fur farm as defined in *The Fur Farms Act, 1971*.

1961-62, c. 48,
s. 61,
amended

7. Section 61 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection :

Idem

1971, c. . .

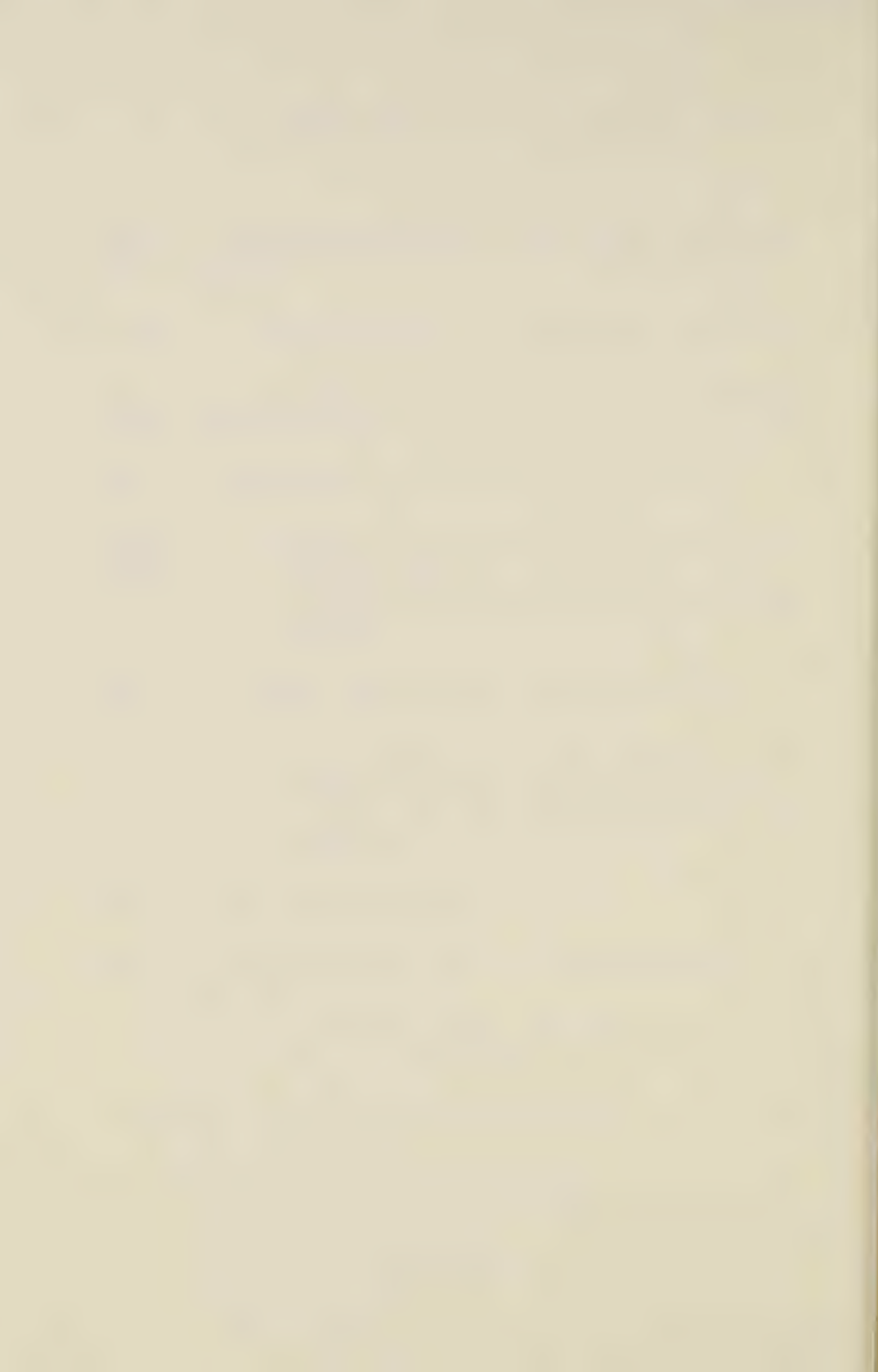
(1a) No person shall take or ship or attempt to take or ship to a fur farm as defined in *The Fur Farms Act, 1971* any fur-bearing animal taken under section 59 without paying the royalty prescribed by the regulations.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

9. This Act may be cited as *The Game and Fish Amendment Act, 1971*.



An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

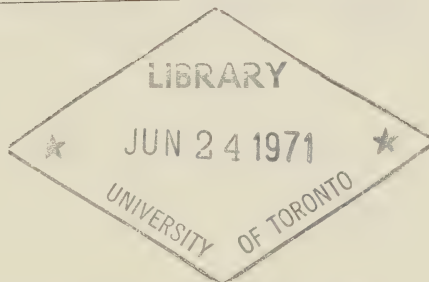
(Government Bill)

20N
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BILL 60

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Game and Fish Act, 1961-62

THE HON. RENE BRUNELLE
Minister of Lands and Forests



BILL 60

1971

An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 5 of section 1 of *The Game and Fish Act*, 1961-62, c. 48, s. 1, par. 5, 1961-62 is repealed and the following substituted therefor: re-enacted

5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, and any fur-bearing animal kept on a fur farm, as defined in *The Fur Farms Act*, 1971, but 1971, c. ... does not include native species otherwise kept in captivity or non-native species present in the wild state.

2.—(1) Clause *a* of section 2 of *The Game and Fish Act*, 1961-62, c. 48, s. 2, cl. *a*, 1961-62 is repealed and the following substituted therefor: re-enacted

- (*a*) to domestic animals and domestic birds, except dogs, or, subject to subsection 2, fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act*, 1971. 1971, c. ...

(2) The said section 2 is amended by adding thereto the following subsection: 1961-62, c. 48, s. 2, amended

- (2) This Act applies to fur-bearing animals kept on a fur farm as defined in *The Fur Farms Act*, 1971 in 1971, c. ... respect of offences against sections 59 and 61. *Idem*

3. Clause *a* of section 56 of *The Game and Fish Act*, 1961-62 1961-62, c. 48, s. 56, cl. *a*, is repealed and the following substituted therefor: re-enacted

- (*a*) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx,

marten, mink and otter that have been sealed or marked in accordance with this Act; and

1961-62, c. 48,
s. 57, subs. 1,
cl. b,
re-enacted

4. Clause *b* of subsection 1 of section 57 of *The Game and Fish Act*, 1961-62 is repealed and the following substituted therefor:

fur dealer's

(*b*) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

1961-62, c. 48,
s. 58, subs. 2,
repealed

5. Subsection 2 of section 58 of *The Game and Fish Act*, 1961-62 is repealed.

1961-62, c. 48,
s. 59,
re-enacted

6. Section 59 of *The Game and Fish Act*, 1961-62 is repealed and the following substituted therefor:

Hunting and
trapping of
fur-bearing
animals
restricted

1971, c. . .

59. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a fur farm as defined in *The Fur Farms Act*, 1971.

1961-62, c. 48,
s. 61,
amended

7. Section 61 of *The Game and Fish Act*, 1961-62 is amended by adding thereto the following subsection:

Idem

1971, c. . .

(1*a*) No person shall take or ship or attempt to take or ship to a fur farm as defined in *The Fur Farms Act*, 1971 any fur-bearing animal taken under section 59 without paying the royalty prescribed by the regulations.

Commence-
ment

8. This Act shall be deemed to have come into force on the 1st day of April, 1971.

Short title

9. This Act may be cited as *The Game and Fish Amendment Act*, 1971.

An Act to amend
The Game and Fish Act, 1961-62

1st Reading

June 8th, 1971

2nd Reading

June 10th, 1971

3rd Reading

June 10th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

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Publications

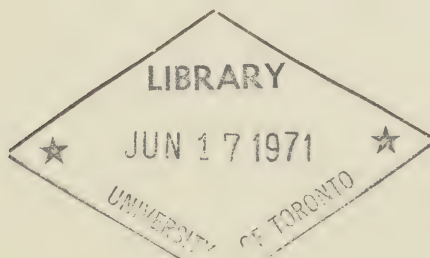
BILL 61

Private Member's Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Cemeteries Act

MR. GOOD



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Cemeteries Act now requires corporate owners of cemeteries and municipally owned cemeteries to provide free graves for the burial of strangers and indigents. The amendment requires such graves to be marked.

BILL 61

1971

An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Cemeteries Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 47, s. 51, amended

- (2) Where a grave is provided under subsection 1, the Markers incorporated company or municipality that provides the grave shall install on the grave a granite marker having dimensions of at least twelve inches by eight inches by four inches on which is inscribed the name, date of birth and date of death of the deceased, where known.

2. This Act may be cited as *The Cemeteries Amendment Act, 1971*. Short title

An Act to amend
The Cemeteries Act

1st Reading

June 8th, 1971

2nd Reading

3rd Reading

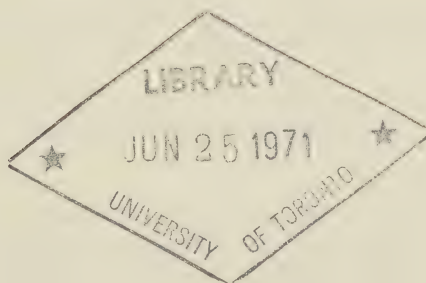
MR. GOOD

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Trustee Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment will require a person paying money into the Supreme Court to the credit of an infant, mentally incompetent person or person of unsound mind to provide the Accountant and the Official Guardian with the information necessary for the performance of the functions of their offices.

SECTION 2. The amendment provides for the continuance of actions inadvertently commenced against deceased persons and implements the 1970 report of the Ontario Law Reform Commission on Actions Against Representatives of Deceased Persons.

BILL 62

1971

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 36 of *The Trustee Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 408, s. 36,
subs. 6,
re-enacted

(6) Where an infant, mentally incompetent person or person of unsound mind is entitled to any money, the person by whom the money is payable, upon delivering to the Official Guardian and to the Accountant of the Supreme Court affidavits setting out,

Moneys to which infant or mentally incompetent person entitled

- (a) the facts entitling the person to the money;
- (b) the date of the birth of the person entitled to the money if the person is an infant;
- (c) the full name and the full postal address of the person entitled to the money; and
- (d) the name and the full postal address of the person with whom the person entitled to the money resides,

may pay the money into the Supreme Court to the credit of the infant, mentally incompetent person or person of unsound mind and this is a sufficient discharge for the money so paid into court.

2. Section 38 of *The Trustee Act*, as amended by section 1 of *The Trustee Amendment Act, 1960-61* and section 1 of *The Trustee Amendment Act, 1964*, is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 408, s. 38,
amended

- (2a) Where a writ is issued naming as a defendant a person who was deceased at the time of the issue of

Continuance of actions commenced against deceased persons

the writ, a judge of the court out of which the writ was issued may, on such notice as he considers proper and on being satisfied that the writ was issued in good faith against the deceased person without knowledge of his death, make an order validating the writ as if that person had been alive at the time the writ was issued and died immediately thereafter.

Terms of
order

(2b) Upon making an order under subsection 2a, the judge may impose,

(a) a term that an executor or administrator shall not be personally liable in respect of any part of the estate of the deceased person that he has distributed or otherwise dealt with in good faith while not aware that a writ naming the deceased had been issued; and

(b) such other terms and conditions as in the circumstances of the action seem just.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1971*.

An Act to amend
The Trustee Act

1st Reading

June 11th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

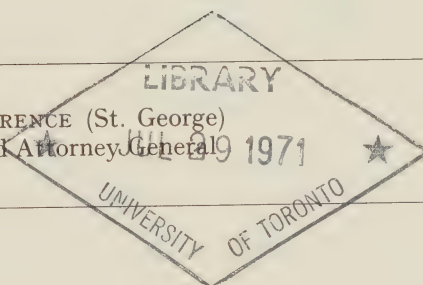
(Government Bill)

BILL 62

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Trustee Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 62

1971

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 36 of *The Trustee Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 408, s. 36,
subs. 6,
re-enacted

(6) Where an infant, mentally incompetent person or person of unsound mind is entitled to any money, the person by whom the money is payable, upon delivering to the Official Guardian and to the Accountant of the Supreme Court affidavits setting out,

Moneys to which infant or mentally incompetent person entitled

(a) the facts entitling the person to the money;

(b) the date of the birth of the person entitled to the money if the person is an infant;

(c) the full name and the full postal address of the person entitled to the money; and

(d) the name and the full postal address of the person with whom the person entitled to the money resides,

may pay the money into the Supreme Court to the credit of the infant, mentally incompetent person or person of unsound mind and this is a sufficient discharge for the money so paid into court.

2. Section 38 of *The Trustee Act*, as amended by section 1 of *The Trustee Amendment Act, 1960-61* and section 1 of *The Trustee Amendment Act, 1964*, is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 408, s. 38,
amended

(2a) Where a writ is issued naming as a defendant a person who was deceased at the time of the issue of

Continuance of actions commenced against deceased persons

the writ, a judge of the court out of which the writ was issued may, on such notice as he considers proper and on being satisfied that the writ was issued in good faith against the deceased person without knowledge of his death, make an order validating the writ as if that person had been alive at the time the writ was issued and died immediately thereafter.

Terms of
order

(2b) Upon making an order under subsection 2a, the judge may impose,

(a) a term that an executor or administrator shall not be personally liable in respect of any part of the estate of the deceased person that he has distributed or otherwise dealt with in good faith while not aware that a writ naming the deceased had been issued; and

(b) such other terms and conditions as in the circumstances of the action seem just.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Trustee Amendment Act, 1971*.

An Act to amend
The Trustee Act

1st Reading

June 11th, 1971

2nd Reading

June 25th, 1971

3rd Reading

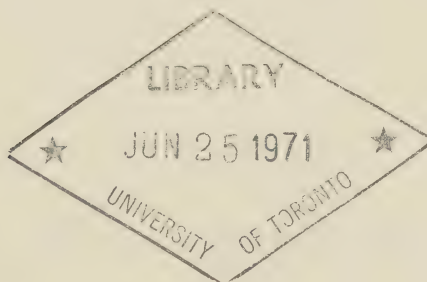
July 8th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Compensation for Victims of Crime Act, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



EXPLANATORY NOTES

The Bill revises *The Law Enforcement Compensation Act, 1967*. The principal changes include:

1. An increase in the membership of the Board and, as an alternative to the Board hearing a claim, provision for one member to hold the hearing, subject to appeal.
2. The injuries covered are those inflicted in the commission of a crime under the *Criminal Code* (Canada) and offences under provincial and other federal statutes are excluded.
3. Adjustments in the compensable damages based on the experience of the Board.
4. Improved procedures.
5. The raising of the maximum lump sum award with authority to award both lump sum and periodic payments provided the lump sum does not exceed half the maximum.
6. Provision for agreement with the Government of Canada respecting contribution to the cost of compensation.

BILL 63

1971

The Compensation for Victims of Crime Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "Board" means the Criminal Injuries Compensation Board established under this Act;
- (b) "child" includes an illegitimate child and a child to whom a victim stands *in loco parentis*;
- (c) "dependant" means a spouse, child or other relative of a deceased victim who was, in whole or in part, dependent upon the victim for support at the time of his death and includes a child of the victim born after his death;
- (d) "injury" means actual bodily harm and includes pregnancy and mental or nervous shock and "injured" has a corresponding meaning;
- (e) "Minister" means the Minister of Justice and Attorney General;
- (f) "peace officer" means a peace officer as defined in the ^{1953-54,} *Criminal Code* (Canada); c. 51 (Can.)
- (g) "victim" means a person injured or killed in the circumstances set out in section 5.

(2) The Board may direct that persons were spouses of each other for the purposes of this Act where the Board finds that, ^{Unmarried spouse}

(a) although not married, they cohabited as man and wife and were known as such in the community where they lived; and

(b) the relationship was of some permanence,

and the Board may direct that any person to whom a victim or applicant was married and who was living apart from the victim or applicant under circumstances that would have disentitled such person to alimony was not a spouse of the victim or applicant for the purposes of this Act.

Administra-
tion of Act

2. The Minister is responsible for the administration of this Act.

The Criminal
Injuries
Compensa-
tion Board
1967, c. 45

3.—(1) The Law Enforcement Compensation Board, established under *The Law Enforcement Compensation Act, 1967*, is continued and shall be known as the Criminal Injuries Compensation Board and shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.

Board a
corporation
R.S.O. 1960,
c. 71

(2) The Board is a corporation to which *The Corporations Act* does not apply.

Duties of
chairman

(3) The chairman shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Substitute
chairman

(4) The chairman may designate a vice-chairman who shall exercise the powers and perform the duties of the chairman when the chairman is absent or unable to act.

Publishing
reports

4. The Board shall prepare and periodically publish a summary of its decisions and the reasons therefor.

Injuries
compensable

5. Where any person is injured or killed by any act or omission in Ontario of any other person occurring in or resulting from,

1953-54,
c. 51 (Can.)

(a) the commission of a crime of violence constituting an offence against the *Criminal Code* (Canada), including poisoning, arson, criminal negligence and an offence under section 86 of that Act but not including an offence involving the use or operation of a motor vehicle other than assault by means of a motor vehicle;

- (b) lawfully arresting or attempting to arrest an offender or suspected offender for an offence against a person other than the applicant or his dependant or against such person's property, or assisting a peace officer in executing his law enforcement duties ; or
- (c) preventing or attempting to prevent the commission of an offence or suspected offence against a person other than the applicant or his dependant or against such person's property,

the Board, on application therefor, may make an order that it, in its discretion exercised in accordance with this Act, considers proper for the payment of compensation to,

- (d) the victim ;
- (e) a person who is responsible for the maintenance of the victim ;
- (f) where the death of the victim has resulted, the victim's dependants or any of them or the person who was responsible for the maintenance of the victim immediately before his death or who has, on behalf of the victim or his estate and not being required by law to do so, incurred an expense referred to in clause *a* or *e* of subsection 1 of section 7 arising from the act or omission.

6. An application for compensation shall be made within ^{Limitation period for application} one year after the date of the injury or death but the Board, before or after the expiry of the one-year period, may extend the time for such further period as it considers warranted.

7.—(1) Compensation may be awarded for, ^{Compensation}

- (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death ;
- (b) pecuniary loss incurred by the victim as a result of total or partial disability affecting the victim's capacity for work ;
- (c) pecuniary loss incurred by dependants as a result of the victim's death ;
- (d) pain and suffering ;
- (e) maintenance of a child born as a result of rape ;

- (f) other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

Idem

(2) Where the injury to a person occurred in the circumstances mentioned in clause *b* or *c* of section 5 the Board may, in addition to the compensation referred to in subsection 1, award compensation to the injured person for any other damage resulting from the injury for which damages may be recovered at common law.

Referral
for hearing

8. Where an application is made under section 5, the chairman of the Board shall refer the application,

(a) to the Board for a hearing conducted by at least two members of the Board; or

(b) to one member of the Board for a hearing by him,

as the chairman may direct.

Notice of
hearing by
one member
of Board

9.—(1) The Board or member to whom an application is referred under section 8 shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, upon the Minister, upon the offender where practicable and upon any other person appearing to the Board or member to have an interest in the application.

Parties

(2) Every person upon whom notice of a hearing is served and any other person added by the Board or member is a party to the proceedings.

Jurisdiction
of member

(3) The Board or member shall hold the hearing and make an order under section 5, and, subject to section 10, this Act applies in respect of the hearing and jurisdiction of the member in the same manner as to the Board.

Hearing
and
review by
Board

10.—(1) Where an application is heard by a single member of the Board under section 9, the applicant or the Minister may, within fifteen days after service of the decision of the member, require a hearing and review by the Board and the Board shall fix a time and place for the hearing and shall at least ten days before the day fixed cause notice thereof to be served upon the parties to the proceedings.

Adding
parties

(2) The Board may add persons as parties to the proceedings during a review under this section.

(3) The hearing shall be conducted and the jurisdiction of ^{Quorum} the Board shall be exercised by at least two members of the Board and the member whose decision is being reviewed shall not sit on the review.

(4) After a hearing and review by the Board under this section, the Board shall make its order in accordance with ^{Order of Board} this Act and its order supersedes the order of a single member made under section 9 that is the subject of the hearing and review.

11. If a person is convicted of a criminal offence in respect of an act or omission on which a claim under this Act is based, proof of the conviction shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken as conclusive evidence that the offence has been committed. ^{Conviction as conclusive evidence}

12. All hearings shall be held in public except where, in the opinion of the Board, it is necessary to hold the hearing *in camera* for the reason that a public hearing, ^{Hearings to be open to public; exceptions}

(a) would be prejudicial to the trial of the person whose act or omission caused the injury or death; or

(b) would not be in the interests of the victim, or of the dependants of the victim, of an alleged sexual offence.

13.—(1) The Board may make an order prohibiting the publication of any report or account of the whole or any part of the evidence at a hearing where the Board considers it necessary but in making an order under this subsection the Board shall have regard to the desirability of permitting the public to be informed of the principles and nature of each case. ^{Publication of evidence}

(2) Any person who publishes a report or account of any evidence at a hearing contrary to an order of the Board under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. ^{Offence}

(3) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Corporations}

14. Where,

(a) the applicant is in actual financial need; and

^{Interim compensation}

(b) it appears to the Board that it will probably award compensation to the applicant,

the Board may, in its discretion, order interim payments to the applicant in respect of maintenance and medical expenses and, if compensation is not awarded, the amount so paid is not recoverable from the applicant.

Service

15.—(1) Any notice or document required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is required to be made at the latest address for service appearing on the records of the Board.

Idem

(2) Where any notice or document mentioned in subsection 1 is served by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person to be served did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or document until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Board may order any other method of service of any notice or document mentioned in subsection 1.

Compensation not dependent on a conviction

16.—(1) An order for compensation may be made whether or not any person is prosecuted for or convicted of the offence giving rise to the injury or death but the Board may, on its own initiative or upon the application of the Minister adjourn its proceedings pending the final determination of a prosecution or intended prosecution.

Capacity for *mens rea*

(2) Notwithstanding that a person for any reason is legally incapable of forming criminal intent, he shall, for the purposes of this Act, be deemed to have intended an act or omission that caused injury or death for which compensation is payable under this Act.

Considerations of Board

17.—(1) In determining whether to make an order for compensation and the amount thereof the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury or death.

Idem

(2) In assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source.

18. The Board may order compensation to be paid in a lump sum or in periodic payments, or both, as the Board thinks fit. Form of compensation

19.—(1) The amount awarded by the Board to be paid in respect of the injury or death of one victim shall not exceed, Maximum awards

(a) in the case of lump sum payments, \$15,000; and

(b) in the case of periodic payments, \$500 per month,

and where both lump sum and periodic payments are awarded, the lump sum shall not exceed half of the maximum therefor prescribed in clause *a*.

(2) The total amount awarded by the Board to be paid to all applicants in respect of any one occurrence shall not exceed, Maximum total of payments for occurrence

(a) in the case of lump sum payments, a total of \$100,000; and

(b) in the case of periodic payments, a total of \$175,000.

(3) Where the total amount awarded in respect of any one occurrence exceeds the maximum amount prescribed by subsection 2, the amount prescribed shall be distributed *pro rata* in proportion to the amounts of the awards that would otherwise have been made. Pro rata distribution

(4) For the purposes of this section, the Board may deem more than one act to be one occurrence where the acts have a common relationship in time and place. Acts deemed an occurrence

(5) Subsection 1 does not apply to amounts awarded in respect of an injury or death incurred under clause *b* or *c* of section 5 and such amounts shall not be taken into account for the purposes of subsection 2. Application of subss. 1 and 2

20.—(1) An order for the payment of compensation may be made subject to such terms and conditions as the Board thinks fit, Conditions of payment

(a) with respect to the payment, disposition, allotment or apportionment of the compensation; or

(b) as to the holding of the compensation or any part thereof in trust for the victim or the dependants, or any of them, whether as a fund for a class or otherwise.

- Idem (2) Any compensation payable for expenses under section 7 may, in the discretion of the Board, be paid directly to the person entitled thereto.
- Costs **21.** Notwithstanding section 19, the Board may, with respect to any hearing or other proceeding under this Act, make such order as to costs as it thinks fit.
- Appeal **22.** Subject to section 24, a decision of the Board is final except that an appeal lies to the Supreme Court from any decision of the Board on any question of law.
- Release of exhibits **23.** The Board shall, upon request, release documents and things put in evidence at a hearing to the lawful owner or the person entitled to possession thereof within a reasonable time after the matter in issue has been finally determined.
- Variation of award **24.**—(1) The Board may at any time on its own initiative or on the application of the victim, any dependant of the victim, the Minister or the offender, vary an order for payment of compensation in such manner as the Board thinks fit, whether as to terms of the order or by increasing or decreasing the amount ordered to be paid, or otherwise.
- Idem (2) In proceedings under subsection 1, the Board shall consider,
- (a) any new evidence that has become available;
 - (b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur; and
 - (c) any other matter the Board considers relevant.
- Procedure, etc., on review (3) This Act, except section 6, applies to a review under subsection 1 in the same manner as to an application for compensation.
- Civil proceedings **25.**—(1) Subject to subsections 2, 3 and 4, nothing in this Act affects the right of any person to recover from any other person by civil proceedings damages in respect of the injury or death.
- Subrogation (2) The Board is subrogated to all the rights of the person to whom payment is made under this Act to recover damages by civil proceedings in respect of the injury or death and may maintain an action in the name of such person against any person against whom such action lies, and any amount recovered by the Board shall be applied,

- (a) first, to payment of the costs actually incurred in the action and in levying execution; and
- (b) second, to reimbursement to the Board of the value of the compensation awarded,

and the balance, if any, shall be paid to the person whose rights were subrogated.

(3) Any settlement or release does not bar the rights of the Board under subsection 2 unless the Board has concurred therein. Settlement

(4) An applicant for or a person awarded compensation shall forthwith notify the Board of any action he has brought against the offender who caused the injury or death of the victim. Civil actions

26.—(1) Compensation ordered to be paid shall be paid out of the moneys appropriated therefor by the Legislature. Payment of compensation

(2) Any reimbursement to the Board under section 25 shall be paid into the Consolidated Revenue Fund. Disposition of money recovered

27. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing rules of practice and procedure in respect of applications to the Board and proceedings of the Board;
- (b) requiring the payment of fees in respect of any matter in the jurisdiction of the Board, including witness fees, and prescribing the amounts thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

28. The Crown in right of Ontario represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of such part of the expenditures required for the purposes of this Act as is agreed upon. Agreements with Canada

29.—(1) This Act applies in respect of claims for compensation arising from an act or omission that occurs after this Act comes into force. Application of Act

Application
of 1967, c. 45

(2) Notwithstanding section 30, *The Law Enforcement Compensation Act, 1967* continues to apply in respect of claims for compensation arising from an act or omission that occurred during the period in which that Act was in force and for that purpose the Criminal Injuries Compensation Board as constituted under this Act shall exercise the powers and perform the duties of the Law Enforcement Compensation Board as constituted under that Act, and the hearings and procedures shall, so far as practicable, be conducted in accordance with this Act.

1967, c. 45,
1968-69,
c. 59,
repealed

30. *The Law Enforcement Compensation Act, 1967* and *The Law Enforcement Compensation Amendment Act, 1968-69* are repealed.

Commence-
ment

31. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

32. This Act may be cited as *The Compensation for Victims of Crime Act, 1971*.

The Compensation for
Victims of Crime Act, 1971

1st Reading

June 11th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

BILL 63

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Compensation for Victims of Crime Act, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 63

1971

The Compensation for Victims of Crime Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "Board" means the Criminal Injuries Compensation Board established under this Act;
- (b) "child" includes an illegitimate child and a child to whom a victim stands *in loco parentis*;
- (c) "dependant" means a spouse, child or other relative of a deceased victim who was, in whole or in part, dependent upon the victim for support at the time of his death and includes a child of the victim born after his death;
- (d) "injury" means actual bodily harm and includes pregnancy and mental or nervous shock and "injured" has a corresponding meaning;
- (e) "Minister" means the Minister of Justice and Attorney General;
- (f) "peace officer" means a peace officer as defined in the ^{1953-54,} *Criminal Code* (Canada); _{c. 51 (Can.)}
- (g) "victim" means a person injured or killed in the circumstances set out in section 5.

(2) The Board may direct that persons were spouses of each other for the purposes of this Act where the Board finds that, Unmarried
spouse

(a) although not married, they cohabited as man and wife and were known as such in the community where they lived; and

(b) the relationship was of some permanence,

and the Board may direct that any person to whom a victim or applicant was married and who was living apart from the victim or applicant under circumstances that would have disentitled such person to alimony was not a spouse of the victim or applicant for the purposes of this Act.

Administra-
tion of Act

2. The Minister is responsible for the administration of this Act.

The Criminal
Injuries
Compensa-
tion Board
1967, c. 45

3.—(1) The Law Enforcement Compensation Board, established under *The Law Enforcement Compensation Act, 1967*, is continued and shall be known as the Criminal Injuries Compensation Board and shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.

Board a
corporation
R.S.O. 1960,
c. 71

(2) The Board is a corporation to which *The Corporations Act* does not apply.

Duties of
chairman

(3) The chairman shall have ^{the} general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

Substitute
chairman

(4) The chairman may designate a vice-chairman who shall exercise the powers and perform the duties of the chairman when the chairman is absent or unable to act.

Publishing
reports

4. The Board shall prepare and periodically publish a summary of its decisions and the reasons therefor.

Injuries
compensable

5. Where any person is injured or killed by any act or omission in Ontario of any other person occurring in or resulting from,

1953-54,
c. 51 (Can.)

(a) the commission of a crime of violence constituting an offence against the *Criminal Code* (Canada), including poisoning, arson, criminal negligence and an offence under section 86 of that Act but not including an offence involving the use or operation of a motor vehicle other than assault by means of a motor vehicle;

- (b) lawfully arresting or attempting to arrest an offender or suspected offender for an offence against a person other than the applicant or his dependant or against such person's property, or assisting a peace officer in executing his law enforcement duties; or
- (c) preventing or attempting to prevent the commission of an offence or suspected offence against a person other than the applicant or his dependant or against such person's property,

the Board, on application therefor, may make an order that it, in its discretion exercised in accordance with this Act, considers proper for the payment of compensation to,

- (d) the victim;
- (e) a person who is responsible for the maintenance of the victim;
- (f) where the death of the victim has resulted, the victim's dependants or any of them or the person who was responsible for the maintenance of the victim immediately before his death or who has, on behalf of the victim or his estate and not being required by law to do so, incurred an expense referred to in clause *a* or *e* of subsection 1 of section 7 arising from the act or omission.

6. An application for compensation shall be made within one year after the date of the injury or death but the Board, before or after the expiry of the one-year period, may extend the time for such further period as it considers warranted.

7.—(1) Compensation may be awarded for,

- (a) expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death;
- (b) pecuniary loss incurred by the victim as a result of total or partial disability affecting the victim's capacity for work;
- (c) pecuniary loss incurred by dependants as a result of the victim's death;
- (d) pain and suffering;
- (e) maintenance of a child born as a result of rape;

- (f) other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

Idem

(2) Where the injury to a person occurred in the circumstances mentioned in clause *b* or *c* of section 5 the Board may, in addition to the compensation referred to in subsection 1, award compensation to the injured person for any other damage resulting from the injury for which damages may be recovered at common law.

Referral
for hearing

8. Where an application is made under section 5, the chairman of the Board shall refer the application,

(a) to the Board for a hearing conducted by at least two members of the Board; or

(b) to one member of the Board for a hearing by him,

as the chairman may direct.

Notice of
hearing by
one member
of Board

9.—(1) The Board or member to whom an application is referred under section 8 shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, upon the Minister, upon the offender where practicable and upon any other person appearing to the Board or member to have an interest in the application.

Parties

(2) Every person upon whom notice of a hearing is served and any other person added by the Board or member is a party to the proceedings.

Jurisdiction
of member

(3) The Board or member shall hold the hearing and make an order under section 5, and, subject to section 10, this Act applies in respect of the hearing and jurisdiction of the member in the same manner as to the Board.

Hearing
and
review by
Board

10.—(1) Where an application is heard by a single member of the Board under section 9, the applicant or the Minister may, within fifteen days after service of the decision of the member, require a hearing and review by the Board and the Board shall fix a time and place for the hearing and shall at least ten days before the day fixed cause notice thereof to be served upon the parties to the proceedings.

Adding
parties

(2) The Board may add persons as parties to the proceedings during a review under this section.

(3) The hearing shall be conducted and the jurisdiction of ^{Quorum} the Board shall be exercised by at least two members of the Board and the member whose decision is being reviewed shall not sit on the review.

(4) After a hearing and review by the Board under this ^{Order of Board} section, the Board shall make its order in accordance with this Act and its order supersedes the order of a single member made under section 9 that is the subject of the hearing and review.

11. If a person is convicted of a criminal offence in ^{Conviction as conclusive evidence} respect of an act or omission on which a claim under this Act is based, proof of the conviction shall, after the time for an appeal has expired or, if an appeal was taken, it was dismissed and no further appeal is available, be taken as conclusive evidence that the offence has been committed.

12. All hearings shall be held in public except where, in ^{Hearings to be open to public; exceptions} the opinion of the Board, it is necessary to hold the hearing *in camera* for the reason that a public hearing,

- (a) would be prejudicial to the trial of the person whose act or omission caused the injury or death; or
- (b) would not be in the interests of the victim, or of the dependants of the victim, of an alleged sexual offence.

13.—(1) The Board may make an order prohibiting the ^{Publication of evidence} publication of any report or account of the whole or any part of the evidence at a hearing where the Board considers it necessary but in making an order under this subsection the Board shall have regard to the desirability of permitting the public to be informed of the principles and nature of each case.

(2) Any person who publishes a report or account of any ^{Offence} evidence at a hearing contrary to an order of the Board under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(3) Where a corporation is convicted of an offence under ^{Corporations} subsection 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

14. Where, ^{Interim compensation}

- (a) the applicant is in actual financial need; and

(b) it appears to the Board that it will probably award compensation to the applicant,

the Board may, in its discretion, order interim payments to the applicant in respect of maintenance and medical expenses and, if compensation is not awarded, the amount so paid is not recoverable from the applicant.

Service

15.—(1) Any notice or document required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is required to be made at the latest address for service appearing on the records of the Board.

Idem

(2) Where any notice or document mentioned in subsection 1 is served by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person to be served did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or document until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Board may order any other method of service of any notice or document mentioned in subsection 1.

Compensation not dependent on a conviction

16.—(1) An order for compensation may be made whether or not any person is prosecuted for or convicted of the offence giving rise to the injury or death but the Board may, on its own initiative or upon the application of the Minister adjourn its proceedings pending the final determination of a prosecution or intended prosecution.

Capacity for *mens rea*

(2) Notwithstanding that a person for any reason is legally incapable of forming criminal intent, he shall, for the purposes of this Act, be deemed to have intended an act or omission that caused injury or death for which compensation is payable under this Act.

Considerations of Board

17.—(1) In determining whether to make an order for compensation and the amount thereof the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury or death.

Idem

(2) In assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source.

18. The Board may order compensation to be paid in a lump sum or in periodic payments, or both, as the Board thinks fit. ^{Form of compensation}

19.—(1) The amount awarded by the Board to be paid in respect of the injury or death of one victim shall not exceed, ^{Maximum awards}

(a) in the case of lump sum payments, \$15,000; and

(b) in the case of periodic payments, \$500 per month,

and where both lump sum and periodic payments are awarded, the lump sum shall not exceed half of the maximum therefor prescribed in clause *a*.

(2) The total amount awarded by the Board to be paid to all applicants in respect of any one occurrence shall not exceed, ^{Maximum total of payments for occurrence}

(a) in the case of lump sum payments, a total of \$100,000; and

(b) in the case of periodic payments, a total of \$175,000.

(3) Where the total amount awarded in respect of any one occurrence exceeds the maximum amount prescribed by subsection 2, the amount prescribed shall be distributed *pro rata* in proportion to the amounts of the awards that would otherwise have been made. ^{Pro rata distribution}

(4) For the purposes of this section, the Board may deem more than one act to be one occurrence where the acts have a common relationship in time and place. ^{Acts deemed an occurrence}

(5) Subsection 1 does not apply to amounts awarded in respect of an injury or death incurred under clause *b* or *c* of section 5 and such amounts shall not be taken into account for the purposes of subsection 2. ^{Application of subss. 1 and 2}

20.—(1) An order for the payment of compensation may be made subject to such terms and conditions as the Board thinks fit, ^{Conditions of payment}

(a) with respect to the payment, disposition, allotment or apportionment of the compensation; or

(b) as to the holding of the compensation or any part thereof in trust for the victim or the dependants, or any of them, whether as a fund for a class or otherwise.

- Idem** (2) Any compensation payable for expenses under section 7 may, in the discretion of the Board, be paid directly to the person entitled thereto.
- Costs** **21.** Notwithstanding section 19, the Board may, with respect to any hearing or other proceeding under this Act, make such order as to costs as it thinks fit.
- Appeal** **22.** Subject to section 24, a decision of the Board is final except that an appeal lies to the Supreme Court from any decision of the Board on any question of law.
- Release of exhibits** **23.** The Board shall, upon request, release documents and things put in evidence at a hearing to the lawful owner or the person entitled to possession thereof within a reasonable time after the matter in issue has been finally determined.
- Variation of award** **24.**—(1) The Board may at any time on its own initiative or on the application of the victim, any dependant of the victim, the Minister or the offender, vary an order for payment of compensation in such manner as the Board thinks fit, whether as to terms of the order or by increasing or decreasing the amount ordered to be paid, or otherwise.
- Idem** (2) In proceedings under subsection 1, the Board shall consider,
- (a) any new evidence that has become available;
 - (b) any change of circumstances that has occurred since the making of the order or any variation thereof, as the case may be, or that is likely to occur; and
 - (c) any other matter the Board considers relevant.
- Procedure, etc., on review** (3) This Act, except section 6, applies to a review under subsection 1 in the same manner as to an application for compensation.
- Civil proceedings** **25.**—(1) Subject to subsections 2, 3 and 4, nothing in this Act affects the right of any person to recover from any other person by civil proceedings damages in respect of the injury or death.
- Subrogation** (2) The Board is subrogated to all the rights of the person to whom payment is made under this Act to recover damages by civil proceedings in respect of the injury or death and may maintain an action in the name of such person against any person against whom such action lies, and any amount recovered by the Board shall be applied,

- (a) first, to payment of the costs actually incurred in the action and in levying execution; and
- (b) second, to reimbursement to the Board of the value of the compensation awarded,

and the balance, if any, shall be paid to the person whose rights were subrogated.

(3) Any settlement or release does not bar the rights of the Board under subsection 2 unless the Board has concurred therein. Settlement

(4) An applicant for or a person awarded compensation shall forthwith notify the Board of any action he has brought against the offender who caused the injury or death of the victim. Civil actions

26.—(1) Compensation ordered to be paid shall be paid out of the moneys appropriated therefor by the Legislature. Payment of compensation

(2) Any reimbursement to the Board under section 25 shall be paid into the Consolidated Revenue Fund. Disposition of money recovered

27. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing rules of practice and procedure in respect of applications to the Board and proceedings of the Board;
- (b) requiring the payment of fees in respect of any matter in the jurisdiction of the Board, including witness fees, and prescribing the amounts thereof;
- (c) prescribing forms for the purposes of this Act and providing for their use;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

28. The Crown in right of Ontario represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada respecting the payment by Canada to Ontario of such part of the expenditures required for the purposes of this Act as is agreed upon. Agreements with Canada

29.—(1) This Act applies in respect of claims for compensation arising from an act or omission that occurs after this Act comes into force. Application of Act

Application
of 1967, c. 45

(2) Notwithstanding section 30, *The Law Enforcement Compensation Act, 1967* continues to apply in respect of claims for compensation arising from an act or omission that occurred during the period in which that Act was in force and for that purpose the Criminal Injuries Compensation Board as constituted under this Act shall exercise the powers and perform the duties of the Law Enforcement Compensation Board as constituted under that Act, and the hearings and procedures shall, so far as practicable, be conducted in accordance with this Act.

1967, c. 45,
1968-69,
c. 59,
repealed

30. *The Law Enforcement Compensation Act, 1967* and *The Law Enforcement Compensation Amendment Act, 1968-69* are repealed.

Commence-
ment

31. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

32. This Act may be cited as *The Compensation for Victims of Crime Act, 1971*.

The Compensation for
Victims of Crime Act, 1971

1st Reading

June 11th, 1971

2nd Reading

June 25th, 1971

3rd Reading

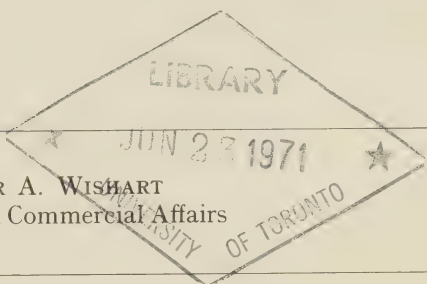
July 13th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Provide for the Registration of
Businesses engaged in the Distribution of
Paperback and Periodical Publications**

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill imposes requirements for Canadian ownership and control of businesses engaged in the wholesaling and distribution of paperbacks and periodicals.

An Act to Provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “business premises” does not include a dwelling;
- (b) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs;
- (c) “distributor” means a person who engages in the business of selling or distributing paperbacks or periodicals, or both, other than by sale by retail to an ultimate consumer and, for the purpose of this clause, the distribution of a *bona fide* periodical by the publisher, or an agent on his behalf, to ultimate consumers who are subscribers thereto shall be deemed to be a distribution by sale by retail;
- (d) “dwelling” means any premises or any part thereof occupied as living accommodation;
- (e) “equity share” means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (f) “Minister” means the Minister of Financial and Commercial Affairs;
- (g) “non-resident” means,

- (i) an individual who is not a Canadian citizen,
- (ii) an individual who is not ordinarily resident in Canada,
- (iii) a corporation incorporated, formed or otherwise organized elsewhere than in Canada,
- (iv) a corporation that is controlled directly or indirectly by non-residents as defined in subclause i, ii or iii,
- (v) a trust established by a non-resident as defined in subclause i, ii, iii or iv, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or
- (vi) a corporation that is controlled directly or indirectly by a trust mentioned in subclause v;
- (h) "paperback" means any printed matter other than a periodical that is published for general distribution to the public and that is not bound in a hard cover, and includes paperback books;
- (i) "periodical" means any printed matter that is published for general distribution to the public and that purports to be a copy of one publication in a series of publications at regular intervals, and that is not bound in a hard cover;
- (j) "person" means an individual, a partnership or a corporation or an association, syndicate or other organization of individuals;
- (k) "Registrar" means the Registrar of Paperback and Periodical Distributors of the Department of Financial and Commercial Affairs;
- (l) "resident" means a person, company or trust that is not a non-resident;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

Application
of Act

(2) This Act does not apply to distributors whose business consists solely of distributing paperbacks or periodicals, or both, that are published, printed and distributed entirely in Canada.

(3) Nothing in this Act shall be construed to have the ^{Idem} effect of controlling, influencing or otherwise affecting the content of any paperback or periodical.

2.—(1) There shall be a Registrar of Paperback and ^{Registrar} Periodical Distributors who shall be appointed by the Lieutenant Governor in Council.

(2) The Registrar may exercise the powers and shall perform ^{Duties of Registrar} the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

3.—(1) No person shall carry on business as a distributor ^{Registration of distributor} unless he is registered by the Registrar under this Act.

(2) Registration under this Act shall not be construed as ^{Effect of registration} approval of any matter in the conduct of the business of the registrant except those matters specifically provided for in this Act.

4.—(1) Subject to subsection 2, every person carrying on ^{Existing distributors deemed registered} business as a distributor immediately before the 14th day of June, 1971 shall be deemed to be registered under this Act.

(2) Every registration made under subsection 1 expires ^{Idem} on the 1st day of October, 1971 unless before that date an application for registration is made and the material required by the regulations is filed in the manner prescribed by the regulations, unless sooner revoked under section 5.

5.—(1) Subject to section 4, an applicant is entitled to ^{Entitlement to registration} registration by the Registrar except where,

- (a) the applicant fails to comply with section 7 or 8, as the case may be; or
- (b) the applicant fails to file the material required by the regulations.

(2) Subject to section 6, the Registrar may refuse to ^{Refusal to register} register an applicant where in the Registrar's opinion the applicant is disentitled to registration under subsection 1.

(3) Subject to section 6, the Registrar may revoke a ^{Revocation of registration} registration where the registrant fails to comply with any provision of this Act or the regulations.

6.—(1) Where the Registrar proposes to refuse to grant ^{Notice of proposal to refuse or revoke} or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal
where
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal, or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Order of
Tribunal
effective,
stay
1966, c. 41

(8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

Residency
requirements
for
individual

7.—(1) Subject to subsection 2, no person who is not a corporation shall carry on business in Ontario as a distributor unless,

(a) he is a resident; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, every member thereof is a resident.

(2) A person who is not a corporation and who was ^{Idem} carrying on business as a distributor immediately before the 14th day of June, 1971 and who on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4, if,

- (a) in the case of an individual, his interest or any part thereof is not transferred to or for the benefit of a non-resident; or
- (b) in the case of a partnership or an association, syndicate or organization of individuals, no person who is a non-resident is admitted as a member thereof.

8.—(1) No corporation shall carry on business in Ontario ^{Residency requirements re corporations} as a distributor if,

- (a) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation;
- (b) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-resident or over which he exercises control or direction, together with other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding equity shares of the corporation; or
- (c) the corporation is not incorporated by or under an Act of Ontario, Canada or any province of Canada.

(2) A corporation that was carrying on business as a ^{Idem} distributor immediately before the 14th day of June, 1971 and that on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4,

- (a) in the case of a contravention of clause *a* or *b* of subsection 1, if no transfer of equity shares or beneficial interest therein including their control or direction is made to a non-resident or person associated with him excepting when the result would be in compliance with clauses *a* and *b* of subsection 1; or
- (b) in the case of a contravention of clause *c* of subsection 1, if the distributor is incorporated by or

under an Act of Ontario, Canada or a province of Canada before the 14th day of June, 1972.

Associated
shareholder

(3) For the purposes of this section, a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled, directly or indirectly, by the other shareholder;
- (d) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Shares held
jointly

(4) For the purposes of this section, where an equity share of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

Inspection

9.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a distributor while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 2 or 8.

Powers on
inspection

(3) Upon an inspection under this section, the person inspecting,

- (a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence

and records of the person being inspected that are relevant for the purposes of the inspection; and

- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. Admissibility
of copies

10.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director. Investiga-
tions by
Director

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may, Powers of
investigator

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books of account, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. . . and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books of account, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books of account, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books of account, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books of account, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books of account, papers or documents, but such copying shall be carried out with reasonable dispatch and the books of account, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissibility
of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

(7) The Minister or Director may appoint any expert ^{Appointment of experts} to examine books of account, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

11.—(1) Every person employed in the administration ^{Matters confidential} of this Act, including any person making an inquiry, inspection or an investigation under section 9 or 10 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be ^{Testimony in civil suit} required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

12.—(1) Any notice or order required to be given or ^{Service} served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department of Financial and Commercial Affairs.

(2) Where service is made by registered mail, the service ^{Where service deemed to be made} shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(3) Notwithstanding subsections 1 and 2, the Tribunal ^{Exception} may order any other method of service in respect of any matter before the Tribunal.

13.—(1) Where it appears to the Director that any person ^{Restraining orders} does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other

rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal (2) An appeal lies to the Divisional Court from an order made under subsection 1.

Offences **14.**—(1) Every person who, knowingly,

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

(b) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Consent of Minister (3) No proceedings under this section shall be instituted except with the consent of the Minister.

Limitation (4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem (5) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate
as evidence

15. A statement as to,

(a) the registration or non-registration of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

16. The Lieutenant Governor in Council may make Regulations regulations,

- (a) providing for the registration of distributors;
- (b) requiring distributors to furnish such returns, reports or other information as is prescribed;
- (c) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (d) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (e) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (f) prescribing forms for the purposes of this Act and the regulations.

17. This Act shall be deemed to have come into force on the 14th day of June, 1971. ^{Commence-}_{ment}

18. This Act may be cited as *The Paperback and Periodical Distributors Act, 1971*. ^{Short title}

An Act to Provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications

1st Reading

June 14th, 1971

2nd Reading

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

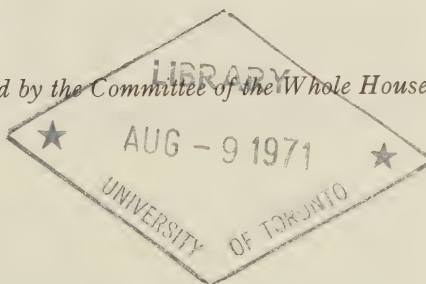
(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Provide for the Registration of
Businesses engaged in the Distribution of
Paperback and Periodical Publications**

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill imposes requirements for Canadian ownership and control of businesses engaged in the wholesaling and distribution of paperbacks and periodicals.

BILL 64

1971

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “business premises” does not include a dwelling;
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- (c) “distributor” means a person who engages in the business of selling or distributing paperbacks or periodicals, or both, other than by sale by retail to an ultimate consumer;
- (d) “dwelling” means any premises or any part thereof occupied as living accommodation;
- (e) “equity share” means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (f) “Minister” means the Minister of Financial and Commercial Affairs;
- (g) “non-resident” means,
 - (i) an individual who is not a Canadian citizen,
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 - (v) a trust established by a non-resident as defined in subclause i, ii, iii or iv, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or
 - (vi) a corporation that is controlled directly or indirectly by a trust mentioned in subclause v;
- (h) "paperback" means any printed matter other than a periodical that is published for general distribution to the public and that is not bound in a hard cover, and includes paperback books;
- (i) "periodical" means any printed matter that is published for general distribution to the public and that purports to be a copy of one publication in a series of publications at regular intervals, and that is not bound in a hard cover but does not include a periodic publication that is devoted primarily to conveying current news;
- (j) "person" means an individual, a partnership or a corporation or an association, syndicate or other organization of individuals;
- (k) "Registrar" means the Registrar of Paperback and Periodical Distributors of the Department of Financial and Commercial Affairs;
- (l) "resident" means a person, company or trust that is not a non-resident;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

Application
of Act

(2) This Act does not apply to,

- (a) distributors in respect of the distribution of paperbacks or periodicals, or both, that are published, printed and distributed primarily in Canada; or
- (b) persons whose principal business is the publication in Canada of books that are not paperbacks or periodicals.

(3) Nothing in this Act shall be construed to have the ^{Idem} effect of controlling, influencing or otherwise affecting the content of any paperback or periodical.

2.—(1) There shall be a Registrar of Paperback and Periodical Distributors who shall be appointed by the Registrar Lieutenant Governor in Council.

(2) The Registrar may exercise the powers and shall perform ^{Duties of Registrar} the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

3.—(1) No person shall carry on business as a distributor unless he is registered by the Registrar under this Act. ^{Registration of distributor}

(2) Registration under this Act shall not be construed as approval of any matter in the conduct of the business of the registrant except those matters specifically provided for in this Act. ^{Effect of registration}

4.—(1) Subject to subsection 2, every person carrying on ^{Existing distributors deemed registered} business as a distributor immediately before the 14th day of June, 1971 shall be deemed to be registered under this Act.

(2) Every registration made under subsection 1 expires ^{Idem} on the 1st day of October, 1971 unless before that date an application for registration is made and the material required by the regulations is filed in the manner prescribed by the regulations, unless sooner revoked under section 5.

5.—(1) Subject to section 4, an applicant is entitled to ^{Entitlement to registration} registration by the Registrar except where,

(a) the applicant fails to comply with section 8 or 9, as the case may be; or

(b) the applicant fails to file the material required by the regulations.

(2) Subject to section 6, the Registrar may refuse to ^{Refusal to register} register an applicant where in the Registrar's opinion the applicant is disentitled to registration under subsection 1.

(3) Subject to section 6, the Registrar may revoke a ^{Revocation of registration} registration where the registrant fails to comply with any provision of this Act or the regulations.

6.—(1) Where the Registrar proposes to refuse to grant ^{Notice of proposal to refuse or revoke} or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal
where
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal, or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.


Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Order of
Tribunal
effective,
stay
1966, c. 41

(8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

Business
area

 7.—(1) A registration authorizes the registrant to carry on business only in the area in Ontario determined by the Registrar and described in the certificate of registration issued by the Registrar and a registrant shall not carry on business outside the area so described.

Decision of
Registrar

(2) The Registrar may reduce the area applied for by the registrant where, in his opinion, not to do so would lessen or be

likely to lessen competition unduly in respect of channels or methods of distribution, contrary to the public interest.

(3) Where the Registrar proposes to reduce the area applied for, subsections 1, 2, 3 and 6 of section 6 apply *mutatis mutandis*, in the same manner as to a proposal to revoke a registration. Notice,
etc.

(4) An appeal lies from a decision of the Registrar under this section to the Minister whose decision is final and section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, c. 41 does not apply. Appeal to
Minister

(5) Where an applicant requires a hearing under subsection 2 of section 6, the Tribunal shall hold a hearing and report to the Minister its finding of fact and recommendations. Hearing by
Tribunal

8.—(1) Subject to subsection 2, no person who is not a corporation shall carry on business in Ontario as a distributor unless, Residency
requirements
for
individual

(a) he is a resident ; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, every member thereof is a resident.

(2) A person who is not a corporation and who was carrying on business as a distributor immediately before the 14th day of June, 1971 and who on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4, if, Idem

(a) in the case of an individual, his interest or any part thereof is not transferred to or for the benefit of a non-resident ; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, no person who is a non-resident is admitted as a member thereof.

9.—(1) No corporation shall carry on business in Ontario as a distributor if, Residency
requirements
re corpora-
tions

(a) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation ;

- (b) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-resident or over which he exercises control or direction, together with other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding equity shares of the corporation; or
- (c) the corporation is not incorporated by or under an Act of Ontario, Canada or any province of Canada.

Idem

(2) A corporation that was carrying on business as a distributor immediately before the 14th day of June, 1971 and that on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4,

- (a) in the case of a contravention of clause *a* or *b* of subsection 1, if no transfer of equity shares or beneficial interest therein including their control or direction is made to a non-resident or person associated with him excepting when the result would be in compliance with clauses *a* and *b* of subsection 1; or
- (b) in the case of a contravention of clause *c* of subsection 1, until the 14th day of June, 1972, but a corporation incorporated after this Act comes into force and before the 14th day of June, 1972 by or under an Act of Ontario, Canada or a province of Canada may, notwithstanding clauses *a* and *b* of subsection 1, be registered in the place of the first mentioned corporation if the equity shares of the new corporation or beneficial interest therein, including their control or direction, held by non-residents are held directly or indirectly in the same manner as the equity shares of the first mentioned corporation, but where the new corporation is in contravention of clause *a* or *b* of subsection 1, clause *a* of this subsection applies.

Associated shareholder

(3) For the purposes of this section, a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled, directly or indirectly, by the other shareholder;

- (d) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

(4) For the purposes of this section, where an equity share of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident. ^{Shares held jointly}

10.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. ^{Inspection}

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a distributor while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 2 or 9. ^{Idem}

(3) Upon an inspection under this section, the person inspecting, ^{Powers on inspection}

- (a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investiga-
tions by
Director

11.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books of account, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. . .

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books of account, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and

that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books of account, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books of account, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books of account, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books of account, papers or documents, but such copying shall be carried out with reasonable dispatch and the books of account, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Removal of
books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Admissibility
of copies

(7) The Minister or Director may appoint any expert to examine books of account, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Appointment
of experts

12.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 10 or 11 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in
civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

13.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department of Financial and Commercial Affairs.

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining
orders

14.—(1) Where it appears to the Director that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection 1.

Offences

15.—(1) Every person who, knowingly,

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

- (b) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Idem

16. A statement as to,

Certificate
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

17. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the registration of distributors;

- (b) requiring distributors to furnish such returns, reports or other information as is prescribed;
- (c) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (d) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (e) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (f) prescribing forms for the purposes of this Act and the regulations.

Commence-
ment

18. This Act shall be deemed to have come into force on the 14th day of June, 1971.

Short title

19. This Act may be cited as *The Paperback and Periodical Distributors Act, 1971*.

An Act to Provide for the Registration
of Businesses engaged in the Distribution
of Paperback and Periodical Publications

1st Reading

June 14th, 1971

2nd Reading

July 20th, 1971

3rd Reading

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

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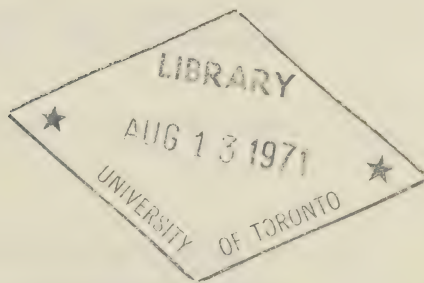
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4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to Provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

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An Act to Provide for the Registration of Businesses engaged in the Distribution of Paperback and Periodical Publications

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “business premises” does not include a dwelling;
- (b) “Director” means the Director of the Consumer Protection Division of the Department of Financial and Commercial Affairs;
- (c) “distributor” means a person who engages in the business of selling or distributing paperbacks or periodicals, or both, other than by sale by retail to an ultimate consumer;
- (d) “dwelling” means any premises or any part thereof occupied as living accommodation;
- (e) “equity share” means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (f) “Minister” means the Minister of Financial and Commercial Affairs;
- (g) “non-resident” means,
 - (i) an individual who is not a Canadian citizen,
 - (ii) an individual who is not ordinarily resident in Canada,

- (iii) a corporation incorporated, formed or otherwise organized elsewhere than in Canada,
- (iv) a corporation that is controlled directly or indirectly by non-residents as defined in subclause i, ii or iii,
- (v) a trust established by a non-resident as defined in subclause i, ii, iii or iv, or a trust in which non-residents as so defined have more than 50 per cent of the beneficial interest, or
- (vi) a corporation that is controlled directly or indirectly by a trust mentioned in subclause v;
- (h) "paperback" means any printed matter other than a periodical that is published for general distribution to the public and that is not bound in a hard cover, and includes paperback books;
- (i) "periodical" means any printed matter that is published for general distribution to the public and that purports to be a copy of one publication in a series of publications at regular intervals, and that is not bound in a hard cover but does not include a periodic publication that is devoted primarily to conveying current news;
- (j) "person" means an individual, a partnership or a corporation or an association, syndicate or other organization of individuals;
- (k) "Registrar" means the Registrar of Paperback and Periodical Distributors of the Department of Financial and Commercial Affairs;
- (l) "resident" means a person, company or trust that is not a non-resident;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

Application
of Act

- (2) This Act does not apply to,
 - (a) distributors in respect of the distribution of paperbacks or periodicals, or both, that are published, printed and distributed primarily in Canada; or
 - (b) persons whose principal business is the publication in Canada of books that are not paperbacks or periodicals.

(3) Nothing in this Act shall be construed to have the effect of controlling, influencing or otherwise affecting the content of any paperback or periodical. Idem

2.—(1) There shall be a Registrar of Paperback and Periodical Distributors who shall be appointed by the Lieutenant Governor in Council. Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. Duties of Registrar

3.—(1) No person shall carry on business as a distributor unless he is registered by the Registrar under this Act. Registration of distributor

(2) Registration under this Act shall not be construed as approval of any matter in the conduct of the business of the registrant except those matters specifically provided for in this Act. Effect of registration

4.—(1) Subject to subsection 2, every person carrying on business as a distributor immediately before the 14th day of June, 1971 shall be deemed to be registered under this Act. Existing distributors deemed registered

(2) Every registration made under subsection 1 expires on the 1st day of October, 1971 unless before that date an application for registration is made and the material required by the regulations is filed in the manner prescribed by the regulations, unless sooner revoked under section 5. Idem

5.—(1) Subject to section 4, an applicant is entitled to registration by the Registrar except where, Entitlement to registration

(a) the applicant fails to comply with section 8 or 9, as the case may be; or

(b) the applicant fails to file the material required by the regulations.

(2) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under subsection 1. Refusal to register

(3) Subject to section 6, the Registrar may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations. Revocation of registration

6.—(1) Where the Registrar proposes to refuse to grant or proposes to revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal
where
hearing

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal, or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary
cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Order of
Tribunal
effective,
stay
1966, c. 41

(8) Notwithstanding that a registrant appeals from an order of the Tribunal under section 8e of *The Department of Financial and Commercial Affairs Act, 1966*, the order takes effect immediately but the Tribunal may grant a stay until disposition of the appeal.

Business
area

7.—(1) A registration authorizes the registrant to carry on business only in the area in Ontario determined by the Registrar and described in the certificate of registration issued by the Registrar and a registrant shall not carry on business outside the area so described.

Decision of
Registrar

(2) The Registrar may reduce the area applied for by the registrant where, in his opinion, not to do so would lessen or be

likely to lessen competition unduly in respect of channels or methods of distribution, contrary to the public interest.

(3) Where the Registrar proposes to reduce the area applied for, subsections 1, 2, 3 and 6 of section 6 apply *mutatis mutandis*, in the same manner as to a proposal to revoke a registration. Notice, etc.

(4) An appeal lies from a decision of the Registrar under this section to the Minister whose decision is final and section 8e of *The Department of Financial and Commercial Affairs Act*, 1966, c. 41 does not apply. Appeal to Minister

(5) Where an applicant requires a hearing under subsection 2 of section 6, the Tribunal shall hold a hearing and report to the Minister its finding of fact and recommendations. Hearing by Tribunal

8.—(1) Subject to subsection 2, no person who is not a corporation shall carry on business in Ontario as a distributor unless, Residency requirements for individual

(a) he is a resident; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, every member thereof is a resident.

(2) A person who is not a corporation and who was carrying on business as a distributor immediately before the 14th day of June, 1971 and who on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4, if, Idem

(a) in the case of an individual, his interest or any part thereof is not transferred to or for the benefit of a non-resident; or

(b) in the case of a partnership or an association, syndicate or organization of individuals, no person who is a non-resident is admitted as a member thereof.

9.—(1) No corporation shall carry on business in Ontario as a distributor if, Residency requirements re corporations

(a) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation;

- (b) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-resident or over which he exercises control or direction, together with other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding equity shares of the corporation; or
- (c) the corporation is not incorporated by or under an Act of Ontario, Canada or any province of Canada.

Idem

(2) A corporation that was carrying on business as a distributor immediately before the 14th day of June, 1971 and that on that day is in contravention of subsection 1 may continue to carry on business, subject to section 4,

- (a) in the case of a contravention of clause *a* or *b* of subsection 1, if no transfer of equity shares or beneficial interest therein including their control or direction is made to a non-resident or person associated with him excepting when the result would be in compliance with clauses *a* and *b* of subsection 1; or
- (b) in the case of a contravention of clause *c* of subsection 1, until the 14th day of June, 1972, but a corporation incorporated after this Act comes into force and before the 14th day of June, 1972 by or under an Act of Ontario, Canada or a province of Canada may, notwithstanding clauses *a* and *b* of subsection 1, be registered in the place of the first mentioned corporation if the equity shares of the new corporation or beneficial interest therein, including their control or direction, held by non-residents are held directly or indirectly in the same manner as the equity shares of the first mentioned corporation, but where the new corporation is in contravention of clause *a* or *b* of subsection 1, clause *a* of this subsection applies.

Associated
shareholder

(3) For the purposes of this section, a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled, directly or indirectly, by the other shareholder;

- (d) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder ;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation ; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

(4) For the purposes of this section, where an equity share of a corporation is held jointly and one or more of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident. ^{Shares held jointly}

10.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of the registrant to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. ^{Inspection}

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a distributor while unregistered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 2 or 9. ^{Idem}

(3) Upon an inspection under this section, the person inspecting, ^{Powers on inspection}

- (a) is entitled to free access to all books of account, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection ; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investiga-
tions by
Director

11.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has contravened any of the provisions of this Act or the regulations, the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence or such conduct has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books of account, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

1971, c. . .

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books of account, papers, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and

that such person has been appointed to make it and that there is reasonable ground for believing there are, in any building, dwelling, receptacle or place any books of account, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books of account, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books of account, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books of account, papers or documents, but such copying shall be carried out with reasonable dispatch and the books of account, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Removal of
books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Admissibility
of copies

(7) The Minister or Director may appoint any expert to examine books of account, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Appointment
of experts

12.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 10 or 11 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

Matters
confidential

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in
civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceedings with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

13.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department of Financial and Commercial Affairs.

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining
orders

14.—(1) Where it appears to the Director that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection 1.

Offences

15.—(1) Every person who, knowingly,

(a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

- (b) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

(3) No proceedings under this section shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director. Limitation

(5) No proceeding under clause *b* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Idem

16. A statement as to,

Certificate
as evidence

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

17. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the registration of distributors;

- (b) requiring distributors to furnish such returns, reports or other information as is prescribed;
- (c) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (d) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (e) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof;
- (f) prescribing forms for the purposes of this Act and the regulations.

Commence-
ment

18. This Act shall be deemed to have come into force on the 14th day of June, 1971.

Short title

19. This Act may be cited as *The Paperback and Periodical Distributors Act, 1971*.

An Act to Provide for the Registration
of Businesses engaged in the Distribution
of Paperback and Periodical Publications

1st Reading

June 14th, 1971

2nd Reading

July 20th, 1971

3rd Reading

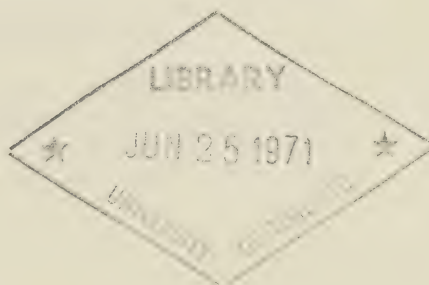
July 28th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Human Tissue Gift Act, 1971

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The first purpose of this Bill is to facilitate transplants of organs, etc., from a living human body to another living human body or from a dead human body to a living human body for the therapeutic benefit of the recipient.

The second purpose is to facilitate the disposition of dead human bodies or parts thereof for medical education or scientific research.

The Bill is designed to achieve these objects by broadening the scope of *The Human Tissue Act, 1962-63* and up-dating its provisions, thus bringing the law into line with recent medical and scientific developments and the consequent acceleration of public interest in this field.

BILL 65

1971

The Human Tissue Gift Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "consent" means a consent given under this Act;
- (b) "physician" means a person registered under *The R.S.O. 1960, c. 234*
Medical Act;
- (c) "tissue" includes an organ, but does not include any skin, bone, blood, blood constituent or other tissue that is replaceable by natural processes of repair;
- (d) "transplant" as a noun means the removal of tissue, from a human body, whether living or dead, and its implantation in a living human body, and in its other forms it has corresponding meanings;
- (e) "writing" for the purposes of Part II includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid.

PART I

INTER-VIVOS GIFTS FOR TRANSPLANTS

2. A transplant from one living human body to another living human body may be done in accordance with this Act, but not otherwise.

Transplants
under Act
are lawful

3.—(1) Any person who has attained the age of majority, is mentally competent to consent, and is able to make a free and informed decision may in a writing signed by him

Consent for
transplant

consent to the removal forthwith from his body of the tissue specified in the consent and its implantation in the body of another living person.

Consent of
person
under age,
etc.

(2) Notwithstanding subsection 1, a consent given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, and was not able to make a free and informed decision, as the case may be.

Consent is
full authority
to proceed

(3) A consent given under this section is full authority for any physician,

(a) to make any examination necessary to assure medical acceptability of the tissue specified therein; and

(b) to remove forthwith such tissue from the body of the person who gave the consent.

Stale
consent
void

(4) If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void.

PART II

POST MORTEM GIFTS FOR TRANSPLANTS AND OTHER USES

Consent by
person for
use of his
body after
death

4.—(1) Any person who has attained the age of majority may consent,

(a) in a writing signed by him at any time; or

(b) orally in the presence of at least two witnesses during his last illness,

that his body or the part or parts thereof specified in the consent be used after his death for therapeutic purposes, medical education or scientific research.

Where donor
under age

(2) Notwithstanding subsection 1, a consent given by a person who had not attained the age of majority is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority.

(3) Upon the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if he has reason to believe that it was subsequently withdrawn.

5.—(1) Where a person of any age who has not given a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and his death is imminent,

- (a) his spouse of any age ; or
- (b) if none or if his spouse is not readily available, any one of his children who has attained the age of majority ; or
- (c) if none or if none is readily available, either of his parents ; or
- (d) if none or if neither is readily available, any one of his brothers or sisters who has attained the age of majority ; or
- (e) if none or if none is readily available, any other of his next of kin who has attained the age of majority ; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where he died in hospital, the administrative head of the hospital ; or
- (g) if none or if none is readily available and he died in hospital, the administrative head of the hospital,

may consent,

- (h) in a writing signed by the spouse, relative or other person ; or
- (i) orally by the spouse, relative or other person in the presence of at least two witnesses ; or
- (j) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

Prohibition

(2) No person shall give a consent under this section if he has reason to believe that the person who died or whose death is imminent would have objected thereto.

Consent
is full
authority,
exceptions

(3) Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 6, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if he has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent.

Person
lawfully in
possession
of body,
exceptions

(4) In subsection 1, "person lawfully in possession of the body" does not include,

R.S.O. 1960,
c. 69

(a) the supervising coroner or a coroner in possession of the body for the purposes of *The Coroners Act*;

R.S.O. 1960,
c. 80

(b) the Public Trustee in possession of the body for the purpose of its burial under *The Crown Administration of Estates Act*;

(c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition; or

(d) the superintendent of a crematorium in possession of the body for the purpose of its cremation.

Coroner's
direction

6. Where in the opinion of a physician, the death of a person is imminent by reason of injury or disease and the physician has reason to believe that section 7, 21 or 22 of *The Coroners Act* may apply when death does occur and a consent under this Part has been obtained for a post-mortem transplant of tissue from the body, a coroner having jurisdiction, notwithstanding that death has not yet occurred, may give such directions as he thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death under section 8 of *The Coroners Act*.

7.—(1) For the purposes of a post-mortem transplant, the fact of death shall be determined by at least two physicians in accordance with accepted medical practice. ^{Determination of death}

(2) No physician who has had any association with the proposed recipient that might influence his judgment shall take any part in the determination of the fact of death of the donor. ^{Prohibition}

(3) No physician who took any part in the determination of the fact of death of the donor shall participate in any way in the transplant procedures. ^{Idem}

(4) Nothing in this section in any way affects a physician in the removal of eyes for cornea transplants. ^{Exception}

8. Where a gift under this Part cannot for any reason be used for any of the purposes specified in the consent, the subject-matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given. ^{Where specified use fails}

PART III

GENERAL

9. No action or other proceeding for damages lies against any person for any act done in good faith and without negligence in the exercise or intended exercise of any authority conferred by this Act. ^{Civil liability}

10. No person shall buy, sell or otherwise deal in, directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof other than blood or a blood constituent, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy. ^{Sale, etc., of tissue prohibited}

11.—(1) Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person, ^{Disclosure of information}

(a) who has given or refused to give a consent ;

(b) with respect to whom a consent has been given ; or

(c) into whose body tissue has been, is being or may be transplanted,

may become known publicly.

Exception

(2) Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection 1 does not apply.

Lawful
dealings
not affected,
exception

12. Any dealing with a body or part or parts thereof that was lawful before this Act came into force shall, except as provided in this Act, continue to be lawful.

Offence

13. Every person who knowingly contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960,
c. 69
not affected

14. Except as provided in section 6, nothing in this Act affects the operation of *The Coroners Act*.

Transitional
provision

1962-63,
c. 59

15. A request made or an authorization given under *The Human Tissue Act, 1962-63* before this Act came into force may be acted upon in accordance with that Act notwithstanding the repeal of that Act.

PART IV

MISCELLANEOUS

1962-63,
c. 59;
1967, c. 38,
repealed

16. *The Human Tissue Act, 1962-63* and *The Human Tissue Amendment Act, 1967* are repealed.

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Human Tissue Gift Act, 1971*.

The Human Tissue Gift Act, 1971

1st Reading

June 15th, 1971

2nd Reading

3rd Reading

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Human Tissue Gift Act, 1971

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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1971

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Interpre-
tation

- (a) "consent" means a consent given under this Act;
- (b) "physician" means a person registered under *The R.S.O. 1960, c. 234 Medical Act*;
- (c) "tissue" includes an organ, but does not include any skin, bone, blood, blood constituent or other tissue that is replaceable by natural processes of repair;
- (d) "transplant" as a noun means the removal of tissue from a human body, whether living or dead, and its implantation in a living human body, and in its other forms it has corresponding meanings;
- (e) "writing" for the purposes of Part II includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid.

PART I

INTER-VIVOS GIFTS FOR TRANSPLANTS

2. A transplant from one living human body to another living human body may be done in accordance with this Act, but not otherwise. Transplants
under Act
are lawful

3.—(1) Any person who has attained the age of majority, is mentally competent to consent, and is able to make a free and informed decision may in a writing signed by him Consent for
transplant

consent to the removal forthwith from his body of the tissue specified in the consent and its implantation in the body of another living person.

Consent of
person
under age,
etc.

(2) Notwithstanding subsection 1, a consent given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, and was not able to make a free and informed decision, as the case may be.

Consent is
full authority
to proceed

(3) A consent given under this section is full authority for any physician,

(a) to make any examination necessary to assure medical acceptability of the tissue specified therein; and

(b) to remove forthwith such tissue from the body of the person who gave the consent.

Stale
consent
void

(4) If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void.

PART II

POST MORTEM GIFTS FOR TRANSPLANTS AND OTHER USES

Consent by
person for
use of his
body after
death

4.—(1) Any person who has attained the age of majority may consent,

(a) in a writing signed by him at any time; or

(b) orally in the presence of at least two witnesses during his last illness,

that his body or the part or parts thereof specified in the consent be used after his death for therapeutic purposes, medical education or scientific research.

Where donor
under age

(2) Notwithstanding subsection 1, a consent given by a person who had not attained the age of majority is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority.

(3) Upon the death of a person who has given a consent under this section, the consent is binding and is full authority, ^{Consent is full authority, exception} and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if he has reason to believe that it was subsequently withdrawn.

5.—(1) Where a person of any age who has not given a consent under section 4 dies, or in the opinion of a physician ^{Consent by spouse, etc., for use of body after death} is incapable of giving a consent by reason of injury or disease and his death is imminent,

- (a) his spouse of any age; or
- (b) if none or if his spouse is not readily available, any one of his children who has attained the age of majority; or
- (c) if none or if none is readily available, either of his parents; or
- (d) if none or if neither is readily available, any one of his brothers or sisters who has attained the age of majority; or
- (e) if none or if none is readily available, any other of his next of kin who has attained the age of majority; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where he died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

Prohibition (2) No person shall give a consent under this section if he has reason to believe that the person who died or whose death is imminent would have objected thereto.

Consent is full authority, exceptions (3) Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 6, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if he has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent.

Person lawfully in possession of body, exceptions (4) In subsection 1, "person lawfully in possession of the body" does not include,

- (a) the supervising coroner or a coroner in possession of the body for the purposes of *The Coroners Act*;
- (b) the Public Trustee in possession of the body for the purpose of its burial under *The Crown Administration of Estates Act*;
- (c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition; or
- (d) the superintendent of a crematorium in possession of the body for the purpose of its cremation.

Coroner's direction

6. Where in the opinion of a physician, the death of a person is imminent by reason of injury or disease and the physician has reason to believe that section 7, 21 or 22 of *The Coroners Act* may apply when death does occur and a consent under this Part has been obtained for a post-mortem transplant of tissue from the body, a coroner having jurisdiction, notwithstanding that death has not yet occurred, may give such directions as he thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death under section 8 of *The Coroners Act*.

7.—(1) For the purposes of a post-mortem transplant, the <sup>Determina-
tion of</sup> fact of death shall be determined by at least two physicians ^{death} in accordance with accepted medical practice.

(2) No physician who has had any association with the ^{Prohibition} proposed recipient that might influence his judgment shall take any part in the determination of the fact of death of the donor.

(3) No physician who took any part in the determination ^{Idem} of the fact of death of the donor shall participate in any way in the transplant procedures.

(4) Nothing in this section in any way affects a physician ^{Exception} in the removal of eyes for cornea transplants.

8. Where a gift under this Part cannot for any reason be <sup>Where
specified
use fails</sup> used for any of the purposes specified in the consent, the subject-matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given.

PART III

GENERAL

9. No action or other proceeding for damages lies against <sup>Civil
liability</sup> any person for any act done in good faith and without negligence in the exercise or intended exercise of any authority conferred by this Act.

10. No person shall buy, sell or otherwise deal in, <sup>Sale, etc.,
of tissue
prohibited</sup> directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof other than blood or a blood constituent, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy.

11.—(1) Except where legally required, no person shall <sup>Disclosure
of</sup> disclose or give to any other person any information or ^{information} document whereby the identity of any person,

(a) who has given or refused to give a consent ;

(b) with respect to whom a consent has been given ; or

(c) into whose body tissue has been, is being or may be transplanted,

may become known publicly.

- Exception (2) Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection 1 does not apply.
- Lawful dealings not affected, exception **12.** Any dealing with a body or part or parts thereof that was lawful before this Act came into force shall, except as provided in this Act, continue to be lawful.
- Offence **13.** Every person who knowingly contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.
- R.S.O. 1960, c. 69 not affected **14.** Except as provided in section 6, nothing in this Act affects the operation of *The Coroners Act*.
- Transitional provision 1962-63, c. 59 **15.** A request made or an authorization given under *The Human Tissue Act, 1962-63* before this Act came into force may be acted upon in accordance with that Act notwithstanding the repeal of that Act.

PART IV

MISCELLANEOUS

- 1962-63, c. 59; 1967, c. 38, repealed **16.** *The Human Tissue Act, 1962-63* and *The Human Tissue Amendment Act, 1967* are repealed.
- Commence-ment **17.** This Act comes into force on the day it receives Royal Assent.
- Short title **18.** This Act may be cited as *The Human Tissue Gift Act, 1971*.

The Human Tissue Gift Act, 1971

1st Reading

June 15th, 1971

2nd Reading

June 22nd, 1971

3rd Reading

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

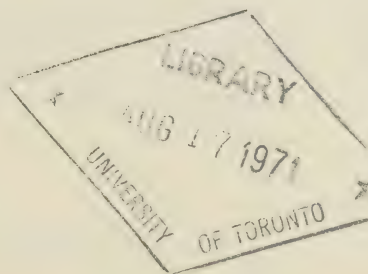
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 65

4TH SESSION, 28TH ~~LEGISLATURE~~, ~~ONTARIO~~
20 ELIZABETH II, 1971

The Human Tissue Gift Act, 1971

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 65

1971

The Human Tissue Gift Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "consent" means a consent given under this Act;
- (b) "physician" means a person registered under *The Medical Act*; R.S.O. 1960,
c. 234
- (c) "tissue" includes an organ, but does not include any skin, bone, blood, blood constituent or other tissue that is replaceable by natural processes of repair;
- (d) "transplant" as a noun means the removal of tissue from a human body, whether living or dead, and its implantation in a living human body, and in its other forms it has corresponding meanings;
- (e) "writing" for the purposes of Part II includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid.

PART I

INTER-VIVOS GIFTS FOR TRANSPLANTS

2. A transplant from one living human body to another living human body may be done in accordance with this Act, but not otherwise. Transplants
under Act
are lawful

3.—(1) Any person who has attained the age of majority, is mentally competent to consent, and is able to make a free and informed decision may in a writing signed by him Consent for
transplant

consent to the removal forthwith from his body of the tissue specified in the consent and its implantation in the body of another living person.

Consent of
person
under age,
etc.

(2) Notwithstanding subsection 1, a consent given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, and was not able to make a free and informed decision, as the case may be.

Consent is
full authority
to proceed

(3) A consent given under this section is full authority for any physician,

(a) to make any examination necessary to assure medical acceptability of the tissue specified therein; and

(b) to remove forthwith such tissue from the body of the person who gave the consent.

Stale
consent
void

(4) If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void.

PART II

POST MORTEM GIFTS FOR TRANSPLANTS AND OTHER USES

Consent by
person for
use of his
body after
death

4.—(1) Any person who has attained the age of majority may consent,

(a) in a writing signed by him at any time; or

(b) orally in the presence of at least two witnesses during his last illness,

that his body or the part or parts thereof specified in the consent be used after his death for therapeutic purposes, medical education or scientific research.

Where donor
under age

(2) Notwithstanding subsection 1, a consent given by a person who had not attained the age of majority is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority.

(3) Upon the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if he has reason to believe that it was subsequently withdrawn.

5.—(1) Where a person of any age who has not given a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and his death is imminent,

- (a) his spouse of any age; or
- (b) if none or if his spouse is not readily available, any one of his children who has attained the age of majority; or
- (c) if none or if none is readily available, either of his parents; or
- (d) if none or if neither is readily available, any one of his brothers or sisters who has attained the age of majority; or
- (e) if none or if none is readily available, any other of his next of kin who has attained the age of majority; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where he died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

Prohibition

(2) No person shall give a consent under this section if he has reason to believe that the person who died or whose death is imminent would have objected thereto.

Consent
is full
authority,
exceptions

(3) Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 6, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if he has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent.

Person
lawfully in
possession
of body,
exceptions

(4) In subsection 1, "person lawfully in possession of the body" does not include,

R.S.O. 1960,
c. 69

(a) the supervising coroner or a coroner in possession of the body for the purposes of *The Coroners Act*;

R.S.O. 1960,
c. 80

(b) the Public Trustee in possession of the body for the purpose of its burial under *The Crown Administration of Estates Act*;

(c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition; or

(d) the superintendent of a crematorium in possession of the body for the purpose of its cremation.

Coroner's
direction

6. Where in the opinion of a physician, the death of a person is imminent by reason of injury or disease and the physician has reason to believe that section 7, 21 or 22 of *The Coroners Act* may apply when death does occur and a consent under this Part has been obtained for a post-mortem transplant of tissue from the body, a coroner having jurisdiction, notwithstanding that death has not yet occurred, may give such directions as he thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death under section 8 of *The Coroners Act*.

7.—(1) For the purposes of a post-mortem transplant, the fact of death shall be determined by at least two physicians ^{Determination of death} in accordance with accepted medical practice.

(2) No physician who has had any association with the proposed recipient that might influence his judgment shall take any part in the determination of the fact of death of the donor. ^{Prohibition}

(3) No physician who took any part in the determination of the fact of death of the donor shall participate in any way in the transplant procedures. ^{Idem}

(4) Nothing in this section in any way affects a physician in the removal of eyes for cornea transplants. ^{Exception}

8. Where a gift under this Part cannot for any reason be used for any of the purposes specified in the consent, the subject-matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given. ^{Where specified use fails}

PART III

GENERAL

9. No action or other proceeding for damages lies against any person for any act done in good faith and without negligence in the exercise or intended exercise of any authority conferred by this Act. ^{Civil liability}

10. No person shall buy, sell or otherwise deal in, directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof other than blood or a blood constituent, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy. ^{Sale, etc., of tissue prohibited}

11.—(1) Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person, ^{Disclosure of information}

(a) who has given or refused to give a consent ;

(b) with respect to whom a consent has been given ; or

(c) into whose body tissue has been, is being or may be transplanted,

may become known publicly.

- Exception (2) Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection 1 does not apply.
- Lawful dealings not affected, exception **12.** Any dealing with a body or part or parts thereof that was lawful before this Act came into force shall, except as provided in this Act, continue to be lawful.
- Offence **13.** Every person who knowingly contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.
- R.S.O. 1960, c. 69 not affected **14.** Except as provided in section 6, nothing in this Act affects the operation of *The Coroners Act*.
- Transitional provision **15.** A request made or an authorization given under *The Human Tissue Act, 1962-63* before this Act came into force may be acted upon in accordance with that Act notwithstanding the repeal of that Act.

PART IV

MISCELLANEOUS

- 1962-63, c. 59; 1967, c. 38, repealed **16.** *The Human Tissue Act, 1962-63* and *The Human Tissue Amendment Act, 1967* are repealed.
- Commence-ment **17.** This Act comes into force on the day it receives Royal Assent.
- Short title **18.** This Act may be cited as *The Human Tissue Gift Act, 1971*.

The Human Tissue Gift Act, 1971

1st Reading

June 15th, 1971

2nd Reading

June 22nd, 1971

3rd Reading

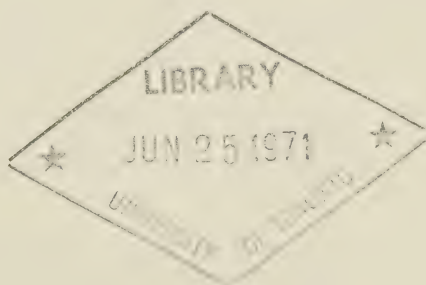
July 28th, 1971

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Venereal Diseases Prevention Act

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The definition of venereal disease is expanded to include granuloma inguinale or lymphogranuloma venereum.

SECTION 2. The amendment requires reports of venereal diseases in the listed institutions to be made to the medical officer of health and by him to the Minister.

BILL 66

1971

An Act to amend The Venereal Diseases Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 415, s. 1,
cl. *g*,
re-enacted

(*g*) "venereal disease" means syphilis, gonorrhoea, chan-
croid, granuloma inguinale or lymphogranuloma
venereum.

2. Section 3 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 415, s. 3,
re-enacted

3.—(1) It is the duty of,

Duty to
report

(*a*) every physician;

(*b*) every superintendent or head of a hospital,
sanatorium or laboratory; and

(*c*) every person in medical charge of any
correctional institution, lock-up, training
school, school or college or other similar
institution,

to report within twenty-four hours every case of
venereal disease coming under his diagnosis, treat-
ment, care or charge for the first time to the
medical officer of health in the locality in which such
diagnosis, treatment, care or charge is made.

(2) Every person required to report a case of venereal
disease under subsection 1, shall make such report in
writing, by telephone, or in person to the medical
officer of health.

Method of
reporting

Report to
Minister

- (3) The report referred to in subsection 2 shall within one week of being received by the medical officer of health be forwarded in the prescribed form to the Minister.

R.S.O. 1960,
c. 415, s. 5,
subs. 1,
re-enacted

3. Subsection 1 of section 5 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

Authority
of M.O.H.

- (1) Where,

(a) any person has been named under oath as a source or contact of venereal disease or is believed by the medical officer of health to be a source or contact of such venereal disease; and

(b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with venereal disease,

the medical officer of health may, whether or not laboratory findings indicate the presence of venereal disease, proceed in the manner prescribed in clauses *a* and *b* of subsection 3 of section 4.

R.S.O. 1960,
c. 415,
amended

4. *The Venereal Diseases Prevention Act* is amended by adding thereto the following section:

Consent of
persons 16
or over to
treatment

20a.—(1) The consent only of any person of the age of sixteen years or over to being examined or treated or both for venereal disease shall be deemed to be sufficient consent for such purposes and where such consent is given no action or other proceeding lies against a physician for acting upon such consent.

Under 16

- (2) No action or other proceeding lies against a physician for acting upon a consent given by a person under sixteen years of age to be examined or treated or both for venereal disease if the physician had no reason to believe that the person giving the consent was under sixteen years of age.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1971*.

SECTION 3. The amendment enlarges the authority of the medical officer of health to require treatment in cases of gonorrhoea to include cases of any venereal disease.

SECTION 4. The new provisions allow treatment of persons sixteen years of age or over without requiring parental consent.

An Act to amend
The Venereal Diseases Prevention Act

1st Reading

June 15th, 1971

2nd Reading

3rd Reading

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

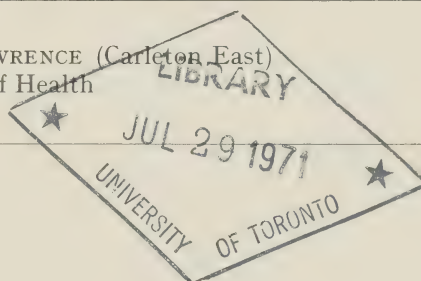
(Government Bill)

BILL 66

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Venereal Diseases Prevention Act

THE HON. A. B. R. LAWRENCE (Carleton Place)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 66

1971

An Act to amend The Venereal Diseases Prevention Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 415, s. 1,
cl. *g*,
re-enacted

(*g*) "venereal disease" means syphilis, gonorrhoea, chan-
croid, granuloma inguinale or lymphogranuloma
venereum.

2. Section 3 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 415, s. 3,
re-enacted

3.—(1) It is the duty of,

Duty to
report

- (*a*) every physician;
- (*b*) every superintendent or head of a hospital,
sanatorium or laboratory; and
- (*c*) every person in medical charge of any
correctional institution, lock-up, training
school, school or college or other similar
institution,

to report within twenty-four hours every case of
venereal disease coming under his diagnosis, treat-
ment, care or charge for the first time to the
medical officer of health in the locality in which such
diagnosis, treatment, care or charge is made.

(2) Every person required to report a case of venereal Method of
reporting
disease under subsection 1, shall make such report in
writing, by telephone, or in person to the medical
officer of health.

Report to
Minister

- (3) The report referred to in subsection 2 shall within one week of being received by the medical officer of health be forwarded in the prescribed form to the Minister.

R.S.O. 1960,
c. 415, s. 5,
subs. 1,
re-enacted

3. Subsection 1 of section 5 of *The Venereal Diseases Prevention Act* is repealed and the following substituted therefor:

Authority
of M.O.H.

- (1) Where,

- (a) any person has been named under oath as a source or contact of venereal disease or is believed by the medical officer of health to be a source or contact of such venereal disease; and
- (b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with venereal disease,

the medical officer of health may, whether or not laboratory findings indicate the presence of venereal disease, proceed in the manner prescribed in clauses *a* and *b* of subsection 3 of section 4.

R.S.O. 1960,
c. 415,
amended

4. *The Venereal Diseases Prevention Act* is amended by adding thereto the following section:

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Under 16

- (2) No action or other proceeding lies against a physician for acting upon a consent given by a person under sixteen years of age to be examined or treated or both for venereal disease if the physician had no reason to believe that the person giving the consent was under sixteen years of age.

Commence-
ment

5. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

6. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1971*.

An Act to amend
The Venereal Diseases Prevention Act

1st Reading

June 15th, 1971

2nd Reading

June 22nd, 1971

3rd Reading

July 8th, 1971

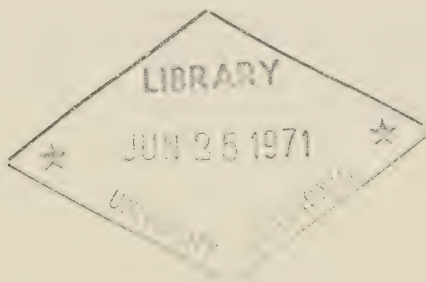
THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

BILL 67**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Nursing Homes Act, 1966

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Complementary to section 3 of the Bill.

SECTION 2. The provision repealed authorizes the Minister to delegate his powers and duties. The provision is unnecessary with the establishment of a Director.

SECTION 3. The issuance of a licence is changed from ministerial discretion to a quasi-judicial decision of the Director subject to review and appeal. One of the grounds for refusal is public necessity and convenience. The procedures on review and appeal follow those being incorporated into other Acts by the Bill to enact *The Civil Rights Statute Law Amendment Act, 1971*.

BILL 67

1971

An Act to amend The Nursing Homes Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Nursing Homes Act, 1966* is amended by adding thereto the following clauses: 1966, c. 99,
s. 1,
amended

(aa) "Board" means the Nursing Homes Review Board established under section 6;

.

(ba) "Director" means an officer of the Department designated by the Minister as Director for the purposes of this Act.

2. Subsection 2 of section 2 of *The Nursing Homes Act, 1966* is repealed. 1966, c. 99,
s. 2, subs. 2,
repealed

3. Sections 5, 6, 7, 8, 9 and 10 of *The Nursing Homes Act, 1966* are repealed and the following substituted therefor: 1966, c. 99,
ss. 5-10,
re-enacted

5.—(1) Any person who applies in accordance with this Act and the regulations for a licence to establish, maintain and operate a nursing home and pays the prescribed fee is entitled to be issued the licence by the Director if, Issuance
of licence

(a) its establishment, maintenance and operation serves public necessity and convenience; and

(b) the applicant and the proposed nursing home comply with the requirements of this Act and the regulations.

(2) The Director may revoke or refuse to renew a licence under this Act, Revocation
and refusal
to renew

(a) if the licensee is in contravention of this Act or the regulations; or

(b) if in the opinion of the Director the nursing home is operated in a manner that is prejudicial to the health, safety or welfare of the residents cared for therein.

Nursing
Homes
Review
Board
established

6.—(1) The Nursing Homes Review Board is established and shall be composed of not fewer than three and not more than five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman.

Quorum

(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Remunera-
tion and
expenses

(3) The members of the Board who are not employed in the public service of Ontario shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Proposal
to refuse
to issue
or to revoke

7.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such

purposes the Board may substitute its opinion for that of the Director.

- (5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing
 - (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal
 - (a) until the renewal is granted; or
 - (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.
- 8.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties
- (2) Notice of a hearing under section 7 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing
 - (3) An applicant or licensee who is a party to proceedings under section 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
 - (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or Members holding hearing not to have taken part in investigation, etc.

indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. . .

Only
members at
hearing to
participate
in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

- 9.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (4) An appeal under this section may be made on questions of law or fact or both and the court ^{Powers of court on appeal} may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

10. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. ^{Service of notice}

4. Every person who is licensed to establish, maintain and operate a nursing home immediately before this Act comes into force shall be deemed to continue to be licensed under *The Nursing Homes Act, 1966*, as amended by this Act. ^{Continuation of licences} 1966, c. 99

5. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

6. This Act may be cited as *The Nursing Homes Amendment Act, 1971*. ^{Short title}

An Act to amend
The Nursing Homes Act, 1966

1st Reading

June 15th, 1971

2nd Reading

3rd Reading

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Nursing Homes Act, 1966



THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health

**An Act to amend
The Nursing Homes Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Nursing Homes Act, 1966* is amended <sup>1966, c. 99,
s. 1,</sup> by adding thereto the following clauses: ^{amended}

(aa) "Board" means the Nursing Homes Review Board established under section 6;

.

(ba) "Director" means an officer of the Department designated by the Minister as Director for the purposes of this Act.

2. Subsection 2 of section 2 of *The Nursing Homes Act*, <sup>1966, c. 99,
s. 2, subs. 2,</sup> 1966 is repealed. ^{repealed}

3. Sections 5, 6, 7, 8, 9 and 10 of *The Nursing Homes Act, 1966* are repealed and the following substituted therefor: <sup>1966, c. 99,
ss. 5-10,
re-enacted</sup>

5.—(1) Any person who applies in accordance with this Act and the regulations for a licence to establish, maintain and operate a nursing home and pays the prescribed fee is entitled to be issued the licence by the Director if, <sup>Issuance
of licence</sup>

(a) its establishment, maintenance and operation serves public necessity and convenience; and

(b) the applicant and the proposed nursing home comply with the requirements of this Act and the regulations.

(2) The Director may revoke or refuse to renew a <sup>Revocation
and refusal
to renew</sup> licence under this Act,

(a) if the licensee is in contravention of this Act or the regulations; or

(b) if in the opinion of the Director the nursing home is operated in a manner that is prejudicial to the health, safety or welfare of the residents cared for therein.

Nursing
Homes
Review
Board
established

6.—(1) The Nursing Homes Review Board is established and shall be composed of not fewer than three and not more than five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman.

Quorum

(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.

Remunera-
tion and
expenses

(3) The members of the Board who are not employed in the public service of Ontario shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Proposal
to refuse
to issue
or to revoke

7.—(1) Where the Director proposes to refuse to issue or renew or to revoke a licence under this Act, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board and he may so require such a hearing.

Powers of
Director
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of
Board
where
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such

purposes the Board may substitute its opinion for that of the Director.

- (5) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing
- (6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal
 - (a) until the renewal is granted; or
 - (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.
- 8.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties
- (2) Notice of a hearing under section 7 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing
- (3) An applicant or licensee who is a party to proceedings under section 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or Members holding hearing not to have taken part in investigation, etc.

indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

- (5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

- (6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971. c. . .

Only
members at
hearing to
participate
in decision

- (7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

- 9.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to direct the Director to take any action which the Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of
court on
appeal

10. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Service
of notice

4. Every person who is licensed to establish, maintain and operate a nursing home immediately before this Act comes into force shall be deemed to continue to be licensed under *The Nursing Homes Act, 1966*, as amended by this Act.

Continuation
of licences

1966, c. 99

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. This Act may be cited as *The Nursing Homes Amendment Act, 1971*.

Short title

An Act to amend
The Nursing Homes Act, 1966

1st Reading

June 15th, 1971

2nd Reading

June 22nd, 1971

3rd Reading

July 8th, 1971

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

420N
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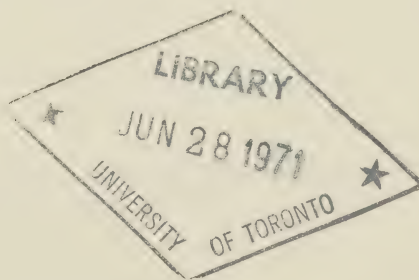
BILL 68

Government Bill

4TH SESSION, 28TH ~~LEGISLATURE~~, ~~ONTARIO~~
20 ELIZABETH II, 1971

**An Act to provide for the Conservation, Protection
and Propagation of Species of Fauna and Flora that
are threatened with Extinction**

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purposes of the proposed Act are to provide a program for the conservation, protection and propagation of species of wildlife and plants that are threatened with extinction and to protect the habitat of such selected species.

BILL 68

1971

**An Act to provide for the Conservation,
Protection and Propagation of Species
of Fauna and Flora that are threatened
with Extinction**

WHEREAS it is considered expedient to provide for the Preamble
conservation, protection, restoration and propagation
of species of fauna and flora of the Province of Ontario
that are threatened with extinction;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Lands and Forests;
- (b) "officer" means a Conservation Officer or a Deputy
Conservation Officer appointed under *The Game and* 1961-62, c. 48
Fish Act, 1961-62 and includes a member of the
Royal Canadian Mounted Police Force or the
Ontario Provincial Police Force.

2. The administration of this Act is under the control Administra-
tion of Act
and direction of the Minister.

3.—(1) The Lieutenant Governor in Council may make Regulations
regulations declaring any species of fauna or flora to be
threatened with extinction by reason of,

- (a) the destruction of its habitat or a drastic modification
or severe curtailment thereof;
- (b) over-exploitation;
- (c) disease;
- (d) predacity;

(e) the use of chemicals; or

(f) any other factor or factors considered relevant.

Regulations
may be
limited

(2) Any regulation may be limited territorially or as to time or otherwise.

Powers and
duties of an
officer
1961-62, c. 48

4. For the purposes of this Act an officer has the powers and duties of an officer under *The Game and Fish Act, 1961-62*.

Prohibited
acts

5. No person shall wilfully,

(a) kill, injure, interfere with or take or attempt to kill, injure, interfere with or take any species of fauna or flora; or

(b) destroy or interfere with or attempt to destroy or interfere with the habitat of any species of fauna or flora,

declared in the regulations to be threatened with extinction.

Offence

6. Any person who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$3000, or to imprisonment for a term of not more than six months, or to both.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Endangered Species Act, 1971*.

An Act to provide for the Conservation,
Protection and Propagation of Species
of Fauna and Flora that are threatened
with Extinction

1st Reading

June 17th, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(*Government Bill*)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to provide for the Conservation, Protection
and Propagation of Species of Fauna and Flora that
are threatened with Extinction**

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 68

1971

**An Act to provide for the Conservation,
Protection and Propagation of Species
of Fauna and Flora that are threatened
with Extinction**

WHEREAS it is considered expedient to provide for the Preamble
conservation, protection, restoration and propagation
of species of fauna and flora of the Province of Ontario
that are threatened with extinction;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Lands and Forests;
- (b) "officer" means a Conservation Officer or a Deputy
Conservation Officer appointed under *The Game and* 1961-62, c. 48
Fish Act, 1961-62 and includes a member of the
Royal Canadian Mounted Police Force or the
Ontario Provincial Police Force.

2. The administration of this Act is under the control Administra-
tion of Act
and direction of the Minister.

3.—(1) The Lieutenant Governor in Council may make Regulations
regulations declaring any species of fauna or flora to be
threatened with extinction by reason of,

- (a) the destruction of its habitat or a drastic modification
or severe curtailment thereof;
- (b) over-exploitation;
- (c) disease;
- (d) predacity;

(e) the use of chemicals; or

(f) any other factor or factors considered relevant.

Regulations
may be
limited

(2) Any regulation may be limited territorially or as to time or otherwise.

Powers and
duties of an
officer
1961-62, c. 48

4. For the purposes of this Act an officer has the powers and duties of an officer under *The Game and Fish Act, 1961-62*.

Prohibited
acts

5. No person shall wilfully,

(a) kill, injure, interfere with or take or attempt to kill, injure, interfere with or take any species of fauna or flora; or

(b) destroy or interfere with or attempt to destroy or interfere with the habitat of any species of fauna or flora,

declared in the regulations to be threatened with extinction.

Offence

6. Any person who contravenes this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$3000, or to imprisonment for a term of not more than six months, or to both.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Endangered Species Act, 1971*.

An Act to provide for the Conservation,
Protection and Propagation of Species
of Fauna and Flora that are threatened
with Extinction

1st Reading

June 17th, 1971

2nd Reading

June 24th, 1971

3rd Reading

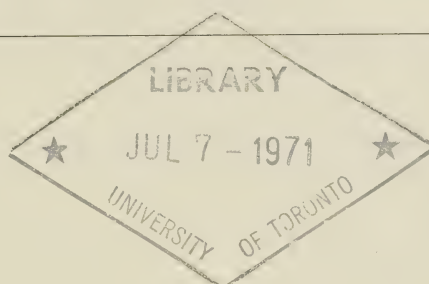
July 13th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Workmen's Compensation Act

MR. JACKSON



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides that a total disability allowance paid to a workman will not be reduced where his disability becomes partial until suitable employment is reasonably available.

BILL 69

1971

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 41 of *The Workmen's Compensation Act*, as amended by section 5 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 437, s. 41,
amended

(2) Where a workman is in receipt of an allowance in respect of a temporary total disability that becomes a temporary partial disability, the reduced compensation referred to in subsection 1 shall commence from the time employment in a suitable employment or business becomes reasonably available.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Workmen's Compensation Amendment Act, 1971*.

Short title

An Act to amend
The Workmen's Compensation Act

1st Reading

June 18th, 1971

2nd Reading

3rd Reading

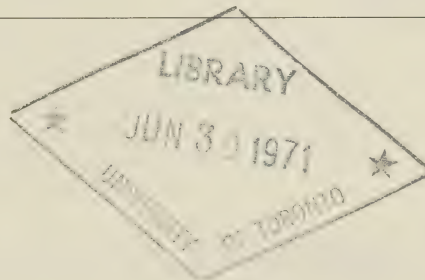
MR. JACKSON

(Private Member's Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surveys Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. A printing error in the subsections is corrected.

SECTION 2. The procedure to be followed in establishing side lines of township lots in the townships of Eastnor, Lindsay and St. Edmunds is changed.

An Act to amend The Surveys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of subsection 2 of section 31 of *The Surveys Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 390, s. 31,
subs. 2,
cl. *j*,
re-enacted

- (*j*) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall re-establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

(2) Clause *k* of subsection 2 of the said section 31 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 390, s. 31,
subs. 2,
cl. *k*,
re-enacted

- (*k*) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall re-establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof.

2.—(1) Clause *a* of section 34 of *The Surveys Act*, as amended by subsection 1 of section 1 of *The Surveys Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 390, s. 34,
cl. *a*,
re-enacted

- (*a*) Where any such township, other than the townships of Eastnor, Lindsay and St. Edmunds in the County of Bruce, was surveyed under the 1,000-acre or 1,800-acre sectional system and in the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the

section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

R.S.O. 1960,
c. 390, s. 34,
cl. b,
re-enacted

(2) Clause *b* of the said section 34, as amended by subsection 2 of section 1 of *The Surveys Amendment Act, 1968*, is repealed and the following substituted therefor:

- (b) Where any such township, other than the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, was surveyed under any sectional system other than the 1,000-acre or 1,800-acre system and in the townships of Eastnor, Lindsay and St. Edmunds in the County of Bruce and if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes.

R.S.O. 1960,
c. 390, s. 56,
amended

3.—(1) Section 56 of *The Surveys Act* is amended by adding thereto the following subsection:

Less than
whole width

- (4a) Where a part of a road allowance, highway, street, lane or walk so closed does not include the whole width thereof, the whole width of such closed part belongs to the owners whose lands abut thereon.

R.S.O. 1960,
c. 390, s. 56,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Side lines

- (5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so

SECTION 3. The new subsection will provide for a situation not covered by the existing section. Where only part of the width of a road allowance is closed, the abutting owners are entitled to the whole width closed.

SECTION 4. Self-explanatory.

closed or across the same in cases coming within subsection 4 or 4a is the division line between the parts so closed to which the owners of the parcels are respectively entitled.

4. Section 60 of *The Surveys Act*, as amended by section 1 of *The Surveys Amendment Act, 1967*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 390, s. 60, amended

(2) Any regulation may be limited territorially or as to time or otherwise. Regulation may be limited

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Surveys Amendment Act*, 1971. Short title

An Act to amend
The Surveys Act

1st Reading
June 21st, 1971

2nd Reading

3rd Reading

THE HON. RENE BRUNELLE
Minister of Lands and Forests

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surveys Act

THE HON. RENE BRUNELLE
Minister of Lands and Forests



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 70

1971

An Act to amend The Surveys Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of subsection 2 of section 31 of *The Surveys Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 390, s. 31,
subs. 2,
cl. *j*,
re-enacted

- (*j*) If a concession line is obliterated beyond the last side line of a section in a concession broken by a lake or river at its end, he shall re-establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point on the concession line in that section.

(2) Clause *k* of subsection 2 of the said section 31 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 390, s. 31,
subs. 2,
cl. *k*,
re-enacted

- (*k*) If in a concession wholly or partly broken by a lake or river on its front a side line of a section is obliterated and it was not surveyed across the lake or river, he shall re-establish it on the astronomic course shown on the original plan and field notes from the nearest ascertainable point thereof.

2.—(1) Clause *a* of section 34 of *The Surveys Act*, as amended by subsection 1 of section 1 of *The Surveys Amendment Act, 1968*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 390, s. 34,
cl. *a*,
re-enacted

- (*a*) Where any such township, other than the townships of Eastnor, Lindsay and St. Edmunds in the County of Bruce, was surveyed under the 1,000-acre or 1,800-acre sectional system and in the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, and if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side line of the section in which the lot is located that is nearest the end of the

section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course shown on the original plan and field notes for the side at the other end of the section in which the lot is located.

R.S.O. 1960,
c. 390, s. 34,
cl. b,
re-enacted

(2) Clause *b* of the said section 34, as amended by subsection 2 of section 1 of *The Surveys Amendment Act, 1968*, is repealed and the following substituted therefor:

- (b) Where any such township, other than the townships of Cumming, Idington, O'Brien, Owens and Williamson in the Territorial District of Cochrane, was surveyed under any sectional system other than the 1,000-acre or 1,800-acre system and in the townships of Eastnor, Lindsay and St. Edmunds in the County of Bruce and if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located that is nearest the end of the section from which the lots are numbered, or, if intended in the original survey, he shall establish the side line on the astronomic course of the side line of the section in which the lot is located at the other end of the section in which the lot is located, but where the side line of the section from which the lots are numbered is broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course of the side line of the section at the other end of the section, and where both side lines of the section are broken by a lake or river to such an extent that the course thereof cannot be accurately determined, he shall establish the side line on the astronomic course shown on the original plan and field notes.

R.S.O. 1960,
c. 390, s. 56,
amended

3.—(1) Section 56 of *The Surveys Act* is amended by adding thereto the following subsection:

Less than
whole width

- (4a) Where a part of a road allowance, highway, street, lane or walk so closed does not include the whole width thereof, the whole width of such closed part belongs to the owners whose lands abut thereon.

R.S.O. 1960,
c. 390, s. 56,
subs. 5,
re-enacted

(2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Side lines

- (5) The division line between two parcels of land having different owners produced to the middle line of the road allowance, highway, street, lane or walk so

closed or across the same in cases coming within subsection 4 or 4a is the division line between the parts so closed to which the owners of the parcels are respectively entitled.

4. Section 60 of *The Surveys Act*, as amended by section 1 of *The Surveys Amendment Act, 1967*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 390, s. 60, amended

(2) Any regulation may be limited territorially or as to time or otherwise. Regulation may be limited

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Surveys Amendment Act, 1971*. Short title 1971.

An Act to amend
The Surveys Act

1st Reading

June 21st, 1971

2nd Reading

June 24th, 1971

3rd Reading

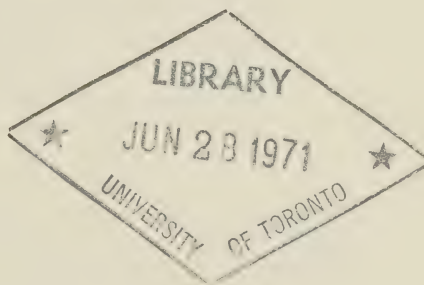
July 13th, 1971

THE HON. RENE BRUNELLE
Minister of Lands and Forests

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Liquor Licence Act

THE HON. JOHN YAREMKO
Provincial Secretary and Minister of Citizenship



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1, 2, 5 and 6. The amendments remove the requirement that liquor, beer or wine served under a dining lounge licence or dining room licence be served only with a meal.

BILL 71

1971

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Liquor Licence Act* is amended by striking out “with meals” in the seventh line, so that the clause shall read as follows: R.S.O. 1960,
c. 218, s. 1,
cl. *d*,
amended

(*d*) “dining lounge” means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public and liquor is served.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 218, s. 1,
cl. *e*,
re-enacted

(*e*) “dining room” means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public, and beer and wine is served.

2.—(1) Paragraph 1 of subsection 1 of section 21 of *The Liquor Licence Act* is amended by striking out “with meals” in the second line and inserting in lieu thereof “where food is available”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 218, s. 21,
subs. 1,
par. 1,
amended

1. Dining lounge licence, for the sale and consumption of liquor where food is available.

(2) Paragraph 2 of subsection 1 of the said section 21 is amended by striking out “with meals” in the second line and R.S.O. 1960,
c. 218, s. 21,
subs. 1,
par. 2,
amended

inserting in lieu thereof "where food is available", so that the paragraph shall read as follows:

2. Dining room licence, for the sale and consumption of beer and wine where food is available.

R.S.O. 1960,
c. 218, s. 30,
re-enacted

3. Section 30 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Disclosure
of informa-
tion by
corporate
applicant

30.—(1) Each director of a corporation that applies for the issue, renewal or transfer to it of a licence, shall, at the time of making any such application, fully disclose,

- (a) the details of all financing arrangements connected with the premises sought to be licenced and connected with the land, chattels and stock in trade to be used in conjunction with such premises;
- (b) the name of any shareholder who he is aware or ought to be aware beneficially owns, directly or indirectly, or who exercises control or direction over 10 per cent or more of those shares of the applicant corporation to which any voting rights are attached; and
- (c) the name of any person who he is aware or ought to be aware beneficially owns, directly or indirectly, or who exercises control or direction over 10 per cent or more of the shares to which any voting rights are attached of a corporation that owns shares of the applicant corporation and the name of which is required to be disclosed under clause b.

Idem

- (2) Each director of a corporation licenced under this Act shall forthwith inform the Board of all and any changes of which he is aware or ought to be aware in the beneficial ownership of, or control or direction over, shares resulting in an ownership by any shareholder or person that would be required to be disclosed under subsection 1 if the licensed corporation were an applicant for a licence.

R.S.O. 1960,
c. 218, s. 61,
subs. 5,
re-enacted

4. Subsection 5 of section 61 of *The Liquor Licence Act* as amended by subsection 3 of section 19 of *The Liquor Licence Amendment Act, 1965*, is repealed and the following substituted therefor:

SECTION 3. The directors of a corporation that is an applicant are required to disclose information relating to the actual control of the corporation.

SECTION 4. The minimum fine in the case of a corporation is removed.

- (5) Where a corporation is convicted of an offence under subsection 1, 2, 3 or 4 other than for a contravention of section 57, the maximum penalty that may be imposed is \$25,000 and not as provided therein. Corporations

5.—(1) Paragraphs 6 and 7 of subsection 1 of section 72 of *The Liquor Licence Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 72, subs. 1, pars. 6, 7, re-enacted

6. Are you in favour of the sale of beer and wine only under a dining room licence for consumption on licensed premises with food available?

7. Are you in favour of the sale of liquor under a dining lounge licence for consumption on licensed premises with food available?

(2) Any licences issued under paragraph 1 or 2 of subsection 1 of section 21 of *The Liquor Licence Act* and in effect immediately before this section comes into force remain in effect for the purposes as amended by section 2 of this Act, notwithstanding that no affirmative vote has been taken thereon under paragraph 6 or 7 of subsection 1 of section 72 of *The Liquor Licence Act*, as re-enacted by subsection 1 of this section, and subject to section 73 of *The Liquor Licence Act*. Existing dining room and dining lounge licences continue without new vote

6. Paragraphs 6 and 7 of subsection 1 of section 73 of *The Liquor Licence Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 73, subs. 1, pars. 6, 7, re-enacted

6. Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption on licensed premises where food is available?

7. Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption on licensed premises where food is available?

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Liquor Licence Amendment Act, 1971*. Short title

An Act to amend
The Liquor Licence Act

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. JOHN VAREMKO
Provincial Secretary and
Minister of Citizenship

(Government Bill)

BILL 71

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Liquor Licence Act

THE HON. JOHN YAREMKO
Provincial Secretary and Minister of Citizenship



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 71

1971

An Act to amend The Liquor Licence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Liquor Licence Act* is amended by striking out “with meals” in the seventh line, so that the clause shall read as follows: R.S.O. 1960,
c. 218, s. 1,
cl. *d*,
amended

(*d*) “dining lounge” means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public and liquor is served.

(2) Clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 218, s. 1,
cl. *e*,
re-enacted

(*e*) “dining room” means the part of an establishment that has the special accommodation, facilities and equipment that are prescribed by the regulations where, in consideration of payment, food and the special services that are prescribed by the regulations are regularly furnished to the public, and beer and wine is served.

2.—(1) Paragraph 1 of subsection 1 of section 21 of *The Liquor Licence Act* is amended by striking out “with meals” in the second line and inserting in lieu thereof “where food is available”, so that the paragraph shall read as follows: R.S.O. 1960,
c. 218, s. 21,
subs. 1,
par. 1,
amended

1. Dining lounge licence, for the sale and consumption of liquor where food is available.

(2) Paragraph 2 of subsection 1 of the said section 21 is amended by striking out “with meals” in the second line and R.S.O. 1960,
c. 218, s. 21,
subs. 1,
par. 2,
amended

inserting in lieu thereof "where food is available", so that the paragraph shall read as follows:

2. Dining room licence, for the sale and consumption of beer and wine where food is available.

R.S.O. 1960,
c. 218, s. 30,
re-enacted

3. Section 30 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Disclosure
of informa-
tion by
corporate
applicant

30.—(1) Each director of a corporation that applies for the issue, renewal or transfer to it of a licence, shall, at the time of making any such application, fully disclose,

- (a) the details of all financing arrangements connected with the premises sought to be licenced and connected with the land, chattels and stock in trade to be used in conjunction with such premises;
- (b) the name of any shareholder who he is aware or ought to be aware beneficially owns, directly or indirectly, or who exercises control or direction over 10 per cent or more of those shares of the applicant corporation to which any voting rights are attached; and
- (c) the name of any person who he is aware or ought to be aware beneficially owns, directly or indirectly, or who exercises control or direction over 10 per cent or more of the shares to which any voting rights are attached of a corporation that owns shares of the applicant corporation and the name of which is required to be disclosed under clause b.

Idem

- (2) Each director of a corporation licenced under this Act shall forthwith inform the Board of all and any changes of which he is aware or ought to be aware in the beneficial ownership of, or control or direction over, shares resulting in an ownership by any shareholder or person that would be required to be disclosed under subsection 1 if the licensed corporation were an applicant for a licence.

R.S.O. 1960,
c. 218, s. 61,
subs. 5,
re-enacted

4. Subsection 5 of section 61 of *The Liquor Licence Act* as amended by subsection 3 of section 19 of *The Liquor Licence Amendment Act, 1965*, is repealed and the following substituted therefor:

- (5) Where a corporation is convicted of an offence under Corporations subsection 1, 2, 3 or 4 other than for a contravention of section 57, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

5.—(1) Paragraphs 6 and 7 of subsection 1 of section 72 R.S.O. 1960, c. 218, s. 72, subs. 1, pars. 6, 7, re-enacted of *The Liquor Licence Act* are repealed and the following substituted therefor:

6. Are you in favour of the sale of beer and wine only under a dining room licence for consumption on licensed premises with food available?
7. Are you in favour of the sale of liquor under a dining lounge licence for consumption on licensed premises with food available?

(2) Any licences issued under paragraph 1 or 2 of subsection 1 of section 21 of *The Liquor Licence Act* and in effect immediately before this section comes into force remain in effect for the purposes as amended by section 2 of this Act, notwithstanding that no affirmative vote has been taken thereon under paragraph 6 or 7 of subsection 1 of section 72 of *The Liquor Licence Act*, as re-enacted by subsection 1 of this section, and subject to section 73 of *The Liquor Licence Act*. Existing dining room and dining lounge licences continue without new vote

6. Paragraphs 6 and 7 of subsection 1 of section 73 of *The Liquor Licence Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 73, subs. 1, pars. 6, 7, re-enacted

6. Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption on licensed premises where food is available?
7. Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption on licensed premises where food is available?

7. This Act comes into force on the day it receives Commence-ment Royal Assent.

8. This Act may be cited as *The Liquor Licence Amendment Act, 1971*. Short title

An Act to amend
The Liquor Licence Act

1st Reading

June 22nd, 1971

2nd Reading

June 24th, 1971

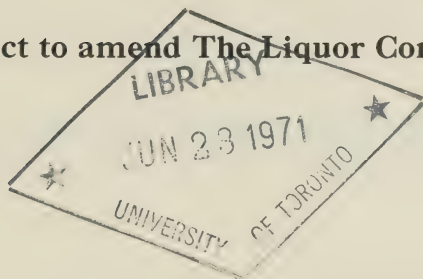
3rd Reading

July 8th, 1971

THE HON. JOHN YAREMKO
Provincial Secretary and
Minister of Citizenship

BILL 72**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Liquor Control Act

THE HON. JOHN YAREMKO
Provincial Secretary and Minister of Citizenship

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The definition of "residence" is widened to ensure that it includes grounds and amenities used in connection with houses, apartments, etc.

SECTION 2. The amendment permits sale of liquor at reduced prices at duty free locations as, for example, at international airports.

BILL 72

1971

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause s of subsection 1 of section 1 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. s,
re-enacted

(s) "residence" means,

- (i) a building or part of a building that is *bona fide* and actually occupied and used as a dwelling together with any rooms, areas or facilities used in conjunction with the dwelling, whether indoors or outdoors and whether used in common with other persons or not,
- (ii) a trailer, mobile home or tent that is *bona fide* and actually occupied as a dwelling together with the land immediately appurtenant thereto that is used in conjunction with the trailer, mobile home, or tent,
- (iii) a private guest room in an hotel or motel that is *bona fide* and actually occupied by a guest of the hotel or motel,
- (iv) a vessel that is *bona fide* and actually occupied as a dwelling.

2. Subsection 2 of section 30 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 217, s. 30,
subs. 2,
re-enacted

- (2) The Board may fix the prices at which the various Prices set classes, varieties and brands of liquor are to be sold, and, except in the case of beer, and in the case of liquor sold through an outlet designated by the Minister of

R.S.C. 1952,
c. 99

National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all Government stores.

R.S.O. 1960,
c. 217, s. 106,
subs. 6,
re-enacted

3. Subsection 6 of section 106 of *The Liquor Control Act*, as amended by subsection 2 of section 65 of *The Liquor Control Amendment Act, 1965*, is repealed and the following substituted therefor:

Corporations

- (6) Where a corporation is convicted of an offence under this section, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

R.S.O. 1960,
c. 217, s. 107
(1965, c. 58,
s. 66),
subs. 2,
re-enacted

4. Subsection 2 of section 107 of *The Liquor Control Act*, as re-enacted by section 66 of *The Liquor Control Amendment Act, 1965*, is repealed and the following substituted therefor:

Corporations

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Liquor Control Amendment Act, 1971*.

SECTIONS 3 and 4. The amendments delete the minimum penalties for corporations.

An Act to amend
The Liquor Control Act

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. JOHN YAREMKO
Provincial Secretary and
Minister of Citizenship

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Liquor Control Act

THE HON. JOHN YAREMKO
Provincial Secretary and Minister of Citizenship



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 72

1971

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause s of subsection 1 of section 1 of *The Liquor Control Act*, as amended by section 1 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 217, s. 1,
subs. 1, cl. s,
re-enacted

(s) "residence" means,

- (i) a building or part of a building that is *bona fide* and actually occupied and used as a dwelling together with any rooms, areas or facilities used in conjunction with the dwelling, whether indoors or outdoors and whether used in common with other persons or not,
- (ii) a trailer, mobile home or tent that is *bona fide* and actually occupied as a dwelling together with the land immediately appurtenant thereto that is used in conjunction with the trailer, mobile home, or tent,
- (iii) a private guest room in an hotel or motel that is *bona fide* and actually occupied by a guest of the hotel or motel,
- (iv) a vessel that is *bona fide* and actually occupied as a dwelling.

2. Subsection 2 of section 30 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 217, s. 30,
subs. 2,
re-enacted

- (2) The Board may fix the prices at which the various classes, varieties and brands of liquor are to be sold, and, except in the case of beer, and in the case of liquor sold through an outlet designated by the Minister of

Prices set

R.S.C. 1952,
c. 99

National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all Government stores.

R.S.O. 1960,
c. 217, s. 106,
subs. 6,
re-enacted

3. Subsection 6 of section 106 of *The Liquor Control Act*, as amended by subsection 2 of section 65 of *The Liquor Control Amendment Act, 1965*, is repealed and the following substituted therefor:

Corporations

(6) Where a corporation is convicted of an offence under this section, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

R.S.O. 1960,
c. 217, s. 107
(1965, c. 58,
s. 66),
subs. 2,
re-enacted

4. Subsection 2 of section 107 of *The Liquor Control Act*, as re-enacted by section 66 of *The Liquor Control Amendment Act, 1965*, is repealed and the following substituted therefor:

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Liquor Control Amendment Act, 1971*.

An Act to amend
The Liquor Control Act

1st Reading

June 22nd, 1971

2nd Reading

June 25th, 1971

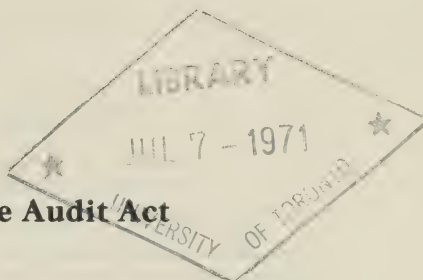
3rd Reading

July 8th, 1971

THE HON. JOHN YAREMKO
Provincial Secretary and
Minister of Citizenship

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Audit Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Committee on Government Productivity recommended that the Provincial Auditor assume the role of financial auditor of accounting systems and transactions, and also that the present pre-audit by the Provincial Auditor be replaced by departmental accounting control systems, reinforced by a thorough post-audit carried out by professional staff under the Provincial Auditor. The amendments contained in this Bill and in the Bill amending *The Financial Administration Act* embody these recommendations.

BILL 73

1971

An Act to amend The Audit Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Audit Act* is repealed. R.S.O. 1960,
c. 27, s. 13,
repealed
2. Section 15 of *The Audit Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 27, s. 15,
re-enacted
 15. For the purpose of this Act, "fiscal year" means the Fiscal year
period from the 1st day of April in one year to the
31st day of March in the next year.
3. Section 16 of *The Audit Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 27, s. 16,
re-enacted
 16. The Public Accounts for the period from the 1st day Preparation
of Public
Accounts
1970-71
of April, 1970, to the 31st day of March, 1971, shall be
prepared under the direction of the Auditor and shall
be delivered to the Lieutenant Governor in Council
and laid before the Assembly not later than the tenth
day of the first session held in the following
calendar year.
4. Subsection 1 of section 19 of *The Audit Act* is repealed R.S.O. 1960,
c. 27, s. 19,
subs. 1,
re-enacted
and the following substituted therefor:
 - (1) The Auditor shall, on behalf of the Assembly, Examination
of receipts
and disburse-
ments
examine in such manner as he considers necessary
all accounts of receipts and disbursements of public
moneys forming part of the Consolidated Revenue
Fund whether held in trust or otherwise in order to
ascertain that adequate regulations and procedures
are in operation,
 - (a) to secure an effective check on the assessment,
collection and allocation of revenue; and

(b) to ensure that expenditures have been made in accordance with legislative authority.

R.S.O. 1960,
c. 27, s. 20,
subs. 1,
cls. b, c,
re-enacted

5.—(1) Clauses *b* and *c* of subsection 1 of section 20 of *The Audit Act* are repealed and the following substituted therefor:

(b) as to his examination of the statements of assets and liabilities, the Consolidated Revenue Fund, the net general revenue and expenditures and related statements in which he shall express an opinion as to whether the statements present fairly the financial position of the Province and the results of its operations and whether the statements were prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period;

(c) as to all special warrants issued and the amounts expended thereunder;

(ca) as to all cheques for the issue of which he has refused to certify, citing the date and the amount of any expenditures incurred in consequence thereof.

R.S.O. 1960,
c. 27, s. 20,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 20 is repealed and the following substituted therefor:

Tabling
report

(2) The report of the Auditor shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

R.S.O. 1960,
c. 27,
amended

6. *The Audit Act* is amended by adding thereto the following sections:

Authority
for
elimination
of pre-audit
function
R.S.O. 1960,
c. 142

24. Sections 9, 11, 12, 14, 17 and clause *ca* of subsection 1 of section 20 do not apply to departments designated by the Lieutenant Governor in Council under section 12 of *The Financial Administration Act*.

Examination
of Auditor's
accounts

25. An officer, appointed by the Lieutenant Governor in Council, shall examine the accounts relating to the disbursements of public moneys on behalf of the Auditor and his staff and such officer shall report thereon to the Lieutenant Governor in Council.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Audit Amendment Act, 1971*.

An Act to amend
The Audit Act

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(Government Bill)

CA20N

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-B 56

BILL 73

GOVERNMENT
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Audit Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 73

1971

An Act to amend The Audit Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Audit Act* is repealed. R.S.O. 1960,
c. 27, s. 13,
repealed
2. Section 15 of *The Audit Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 27, s. 15,
re-enacted
 15. For the purpose of this Act, "fiscal year" means the Fiscal year
period from the 1st day of April in one year to the
31st day of March in the next year.
3. Section 16 of *The Audit Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 27, s. 16,
re-enacted
 16. The Public Accounts for the period from the 1st day Preparation
of Public
Accounts
1970-71
of April, 1970, to the 31st day of March, 1971, shall be
prepared under the direction of the Auditor and shall
be delivered to the Lieutenant Governor in Council
and laid before the Assembly not later than the tenth
day of the first session held in the following
calendar year.
4. Subsection 1 of section 19 of *The Audit Act* is repealed R.S.O. 1960,
c. 27, s. 19,
subs. 1,
re-enacted
and the following substituted therefor:
 - (1) The Auditor shall, on behalf of the Assembly, Examination
of receipts
and disburse-
ments
examine in such manner as he considers necessary
all accounts of receipts and disbursements of public
moneys forming part of the Consolidated Revenue
Fund whether held in trust or otherwise in order to
ascertain that adequate regulations and procedures
are in operation,
 - (a) to secure an effective check on the assessment,
collection and allocation of revenue; and

(b) to ensure that expenditures have been made in accordance with legislative authority.

R.S.O. 1960,
c. 27, s. 20,
subs. 1,
cls. b, c,
re-enacted

5.—(1) Clauses *b* and *c* of subsection 1 of section 20 of *The Audit Act* are repealed and the following substituted therefor:

(b) as to his examination of the statements of assets and liabilities, the Consolidated Revenue Fund, the net general revenue and expenditures and related statements in which he shall express an opinion as to whether the statements present fairly the financial position of the Province and the results of its operations and whether the statements were prepared in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period;

(c) as to all special warrants issued and the amounts expended thereunder;

(ca) as to all cheques for the issue of which he has refused to certify, citing the date and the amount of any expenditures incurred in consequence thereof.

R.S.O. 1960,
c. 27, s. 20,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 20 is repealed and the following substituted therefor:

Tabling
report

(2) The report of the Auditor shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.

R.S.O. 1960,
c. 27,
amended

6. *The Audit Act* is amended by adding thereto the following sections:

Authority
for
elimination
of pre-audit
function
R.S.O. 1960,
c. 142

24. Sections 9, 11, 12, 14, 17 and clause *ca* of subsection 1 of section 20 do not apply to departments designated by the Lieutenant Governor in Council under section 12 of *The Financial Administration Act*.

Examination
of Auditor's
accounts

25. An officer, appointed by the Lieutenant Governor in Council, shall examine the accounts relating to the disbursements of public moneys on behalf of the Auditor and his staff and such officer shall report thereon to the Lieutenant Governor in Council.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Audit Amendment Act, 1971*.

An Act to amend
The Audit Act

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

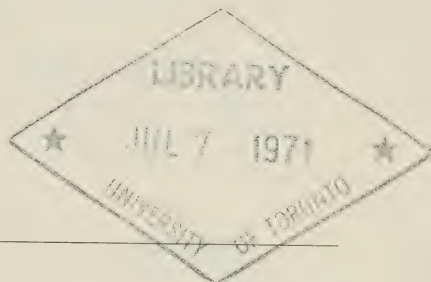
3rd Reading

July 23rd, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Financial Administration Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment corrects the title of the Deputy Treasurer.

SECTION 2. On the recommendation of the Committee on Government Productivity, the present pre-audit functions carried out by the Provincial Auditor are to be transferred to departments as they demonstrate their capabilities to maintain adequate legal and accounting controls of expenditures. The new sections added to the Act provide for this transfer and they are complementary to the amendments contained in the Bill to amend *The Audit Act*.

BILL 74

1971

An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Financial Administration Act*, as re-enacted by section 7 of *The Financial Administration Amendment Act, 1968*, is amended by inserting after "Treasurer" in the second line "of Ontario", so that the subsection shall read as follows:

R.S.O. 1960,
c. 142, s. 9
(1968, c. 41,
s. 7), subs. 1,
amended

- (1) The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics to be the deputy head of the Department of Treasury and Economics.

Deputy
Treasurer of
Ontario
and Deputy
Minister of
Economics

2. *The Financial Administration Act* is amended by adding thereto the following sections:

R.S.O. 1960,
c. 142,
amended

10. The responsibility for the conduct of the financial business of each department shall rest with the head of the department, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper departmental officers.
11. The Treasurer may make such recommendations to the Treasury Board as he considers appropriate with respect to accounting controls and accounting standards to be attained by a department prior to the application of section 12 and to be maintained by a department.
12. The Lieutenant Governor in Council, on the recommendation of the Treasurer and with the concurrence of the Treasury Board, may designate the depart-

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Treasurer
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recommend
standards

Application
of *Audit Act*

R.S.O. 1960,
c. 27

ments to which sections 9, 11, 12, 14, 17 and clause *ca* of subsection 1 of section 20 of *The Audit Act* shall not apply.

Payment
for special
cases

- 13.—(1) The certificate or order of the Minister of Justice and Attorney General or Deputy Minister of Justice and Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Minister of Justice and Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate
of Minister
or Deputy
Minister

- (2) The certificate of the Minister of Justice and Attorney General or Deputy Minister of Justice and Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination.

Issue of
cheques
may be
withheld

- 14.—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference
to Treasury
Board

- (2) When the issue of a cheque has been withheld under subsection 1, the Treasurer may refer the matter to the Treasury Board for determination.

Information
and access
to records

15. Every department of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the department and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians.

Fiscal
year

- 16.—(1) The Public Accounts shall cover the fiscal year.

SECTION 3. The amendment will allow the Treasurer to make accountable advances to departments for inventory goods and services pending distribution of the goods and services and proper allocation to departments and appropriations of the charges incurred.

SECTION 4. Paragraph 2 of section 39 of the Act dealt with the issuance and sale of treasury bills. Paragraph 1 of the said section deals with the issuance and sale of securities, which are defined in the Act to include treasury bills. Accordingly, paragraph 2 is redundant and is therefore repealed.

SECTION 5. The Treasurer's authority to enter into agreements relating to the raising of loans or issue and sale of securities is continued. In addition the amendment permits the Lieutenant Governor in Council to authorize the Treasurer to determine the rate of interest payable on interest bearing treasury bills and the conditions of sale of such bills.

(2) All estimates submitted to the Legislature shall be ^{Estimates} for services coming in course of payment during the fiscal year.

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. ^{Lapse of appropriations}

16a. The Public Accounts for the 1971-72 fiscal year and subsequent years shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year. ^{Preparation of Public Accounts}

16b. Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in. ^{Payments authorized by Assembly}

3. Section 34 of *The Financial Administration Act*, as amended by section 4 of *The Financial Administration Amendment Act, 1965*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 142, s. 34, re-enacted}

34. On the application of a minister, the Treasurer may make interim payments from the Consolidated Revenue Fund for goods or services charged to a department where the charges are to be recovered from another department or departments or from another appropriation or from a federal appropriation. ^{Interim payments from Con. Rev. Fund}

4. Paragraph 2 of section 39 of *The Financial Administration Act*, as amended by section 16 of *The Financial Administration Amendment Act, 1968*, is repealed. ^{R.S.O. 1960, c. 142, s. 39, par 2, repealed}

5. Section 42 of *The Financial Administration Act*, as re-enacted by section 19 of *The Financial Administration Amendment Act, 1968*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 142, s. 42 (1968, c. 41, s. 19), re-enacted}

Contracts and agreements for the raising of loans

42.—(1) The Lieutenant Governor in Council may authorize the Treasurer or any officer of the Department of Treasury and Economics to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant Governor in Council approves.

Authority to sell treasury bills

(2) Notwithstanding any other provisions of this Act, where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of interest bearing treasury bills or non-interest bearing treasury bills, the Lieutenant Governor in Council may authorize the Treasurer to determine the date of the issue and the date of maturity thereof, the rate of interest, if any, and the dates of payment of interest, if any, and to sell any of such treasury bills for such price or prices and upon such terms and conditions as the Treasurer in his discretion may from time to time consider necessary.

R.S.O. 1960, c. 142, s. 44, amended

6. Section 44 of *The Financial Administration Act* is amended by adding thereto the following subsection:

Calculation for borrowing limitation

(2) For the purpose of any borrowing limitation under this or any other Act, the principal amount of any securities previously issued or authorized to be issued, payable in a currency of any country other than Canada, shall be deemed to be the equivalent thereof in Canadian dollars as calculated under subsection 1.

R.S.O. 1960, c. 142, s. 55, re-enacted

7. Section 55 of *The Financial Administration Act* is repealed and the following substituted therefor:

Securities to state authority

55. Every security issued pursuant to this Act shall contain in the body of the security a statement to that effect.

Commencement

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Financial Administration Amendment Act, 1971*.

SECTION 6. The amendment will permit a calculation to be made in respect of an authorized borrowing in a foreign currency prior to the actual delivery of the securities in the event that an additional borrowing is to be authorized under the same legislative authority.

SECTION 7. The amendment will eliminate the necessity of referring to the legislative authority under which the loan is authorized in advertisements for the sale of securities.

An Act to amend
The Financial Administration Act

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(Government Bill)

CA20N
XB
-B 56

Publications

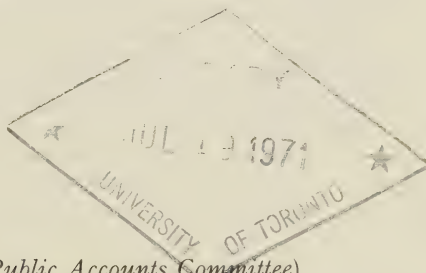
BILL 74

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Financial Administration Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



(Reprinted as amended by the Public Accounts Committee)

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment corrects the title of the Deputy Treasurer.

SECTION 2. On the recommendation of the Committee on Government Productivity, the present pre-audit functions carried out by the Provincial Auditor are to be transferred to departments as they demonstrate their capabilities to maintain adequate legal and accounting controls of expenditures. The new sections added to the Act provide for this transfer and they are complementary to the amendments contained in the Bill to amend *The Audit Act*.

BILL 74

1971

An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Financial Administration Act*, as re-enacted by section 7 of *The Financial Administration Amendment Act, 1968*, is amended by inserting after "Treasurer" in the second line "of Ontario", so that the subsection shall read as follows:

R.S.O. 1960,
c. 142, s. 9
(1968, c. 41,
s. 7), subs. 1,
amended

- (1) The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics to be the deputy head of the Department of Treasury and Economics.

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Respon-
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11. The Treasurer may make such recommendations to the Treasury Board as he considers appropriate with respect to accounting controls and accounting standards to be attained by a department prior to the application of section 12 and to be maintained by a department.

Treasurer
may
recommend
standards

12. The Lieutenant Governor in Council, on the recommendation of the Treasurer and with the concurrence of the Treasury Board, may designate the depart-

Application
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R.S.O. 1960,
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- 13.—(1) The certificate or order of the Minister of Justice and Attorney General or Deputy Minister of Justice and Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Minister of Justice and Attorney General for the proper disbursement of the amount received by such officer or other person.

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- (2) The certificate of the Minister of Justice and Attorney General or Deputy Minister of Justice and Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination.

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- 16b. Notwithstanding anything in this Act, whenever the ^{Payments authorized by Assembly} Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in.
- 3.** Section 34 of *The Financial Administration Act*, as ^{R.S.O. 1960, c. 142, s. 34, re-enacted} amended by section 4 of *The Financial Administration Amendment Act, 1965*, is repealed and the following substituted therefor:
34. On the application of a minister, the Treasurer may ^{Interim payments from Con. Rev. Fund} make interim payments from the Consolidated Revenue Fund for goods or services charged to a department where the charges are to be recovered from another department or departments or from another appropriation or from a federal appropriation.
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An Act to amend
The Financial Administration Act

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

3rd Reading

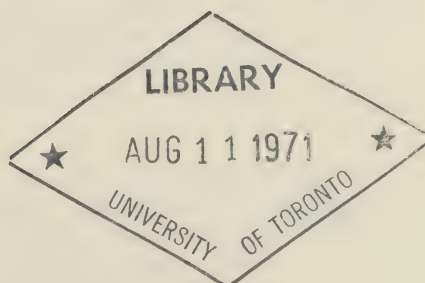
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

*(Reprinted as amended by the
Public Accounts Committee)*

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Financial Administration Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 74

1971

An Act to amend The Financial Administration Act

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Deputy
Treasurer of
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2. *The Financial Administration Act* is amended by adding thereto the following sections:

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Application
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R.S.O. 1960,
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year

- 16.—(1) The Public Accounts shall cover the fiscal year.

- (2) All estimates submitted to the Legislature shall be ^{Estimates} for services coming in course of payment during the fiscal year.
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- 16a. The Public Accounts for the 1971-72 fiscal year and subsequent years shall be prepared under the ^{Preparation of Public Accounts} direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year.
- 16b. Notwithstanding anything in this Act, whenever the ^{Payments authorized by Assembly} Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in.
- 3.** Section 34 of *The Financial Administration Act*, as ^{R.S.O. 1960, c. 142, s. 34, re-enacted} amended by section 4 of *The Financial Administration Amendment Act, 1965*, is repealed and the following substituted therefor:
34. On the application of a minister, the Treasurer may ^{Interim payments from Con. Rev. Fund} make interim payments from the Consolidated Revenue Fund for goods or services charged to a department where the charges are to be recovered from another department or departments or from another appropriation or from a federal appropriation.
- 4.** Paragraph 2 of section 39 of *The Financial Administration Act*, as amended by section 16 of *The Financial Administration Amendment Act, 1968*, is repealed. ^{R.S.O. 1960, c. 142, s. 39, par 2, repealed}
- 5.** Section 42 of *The Financial Administration Act*, as re-^{R.S.O. 1960, c. 142, s. 42, 1968, c. 41, s. 19, re-enacted} enacted by section 19 of *The Financial Administration Amendment Act, 1968*, is repealed and the following substituted therefor:

Contracts
and
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42.—(1) The Lieutenant Governor in Council may authorize the Treasurer or any officer of the Department of Treasury and Economics to enter into such contracts and agreements relating to the raising of loans or the issue and sale of securities as the Lieutenant Governor in Council approves.

Authority
to sell
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(2) Notwithstanding any other provisions of this Act, where the Lieutenant Governor in Council authorizes the raising of a loan by the issue and sale of interest bearing treasury bills or non-interest bearing treasury bills, the Lieutenant Governor in Council may authorize the Treasurer to determine the date of the issue and the date of maturity thereof, the rate of interest, if any, and the dates of payment of interest, if any, and to sell any of such treasury bills for such price or prices and upon such terms and conditions as the Treasurer in his discretion may from time to time consider necessary.

R.S.O. 1960,
c. 142, s. 44,
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6. Section 44 of *The Financial Administration Act* is amended by adding thereto the following subsection:

Calculation
for borrowing
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(2) For the purpose of any borrowing limitation under this or any other Act, the principal amount of any securities previously issued or authorized to be issued, payable in a currency of any country other than Canada, shall be deemed to be the equivalent thereof in Canadian dollars as calculated under subsection 1.

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7. Section 55 of *The Financial Administration Act* is repealed and the following substituted therefor:

Securities
to state
authority

55. Every security issued pursuant to this Act shall contain in the body of the security a statement to that effect.

Commence-
ment

8. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

9. This Act may be cited as *The Financial Administration Amendment Act, 1971*.

An Act to amend
The Financial Administration Act

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

3rd Reading

July 13th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

CA20N
XB
-B56

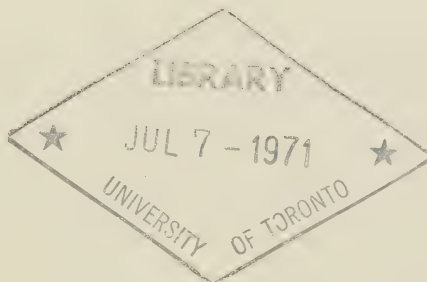
BILL 75

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Tile Drainage Act, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



EXPLANATORY NOTE

The Bill is a complete revision of *The Tile Drainage Act* to streamline the administrative procedures and reduce the time required to process loan applications. The forms used under the Act will be prescribed in the regulations. The limit on the total amount of debentures which may be purchased by the Treasurer of Ontario is removed and the limit on the total amount which may be borrowed by a municipality is removed.

BILL 75

1971

The Tile Drainage Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "drainage work" means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (b) "municipality" means a city, town, village, township or improvement district;
- (c) "prescribed" means prescribed by the regulations made under this Act.

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of drainage works and the issuance of debentures in the prescribed form by the municipality or by a district or regional municipality on its behalf.

Borrowing
powers of
municipali-
tiesR.S.O. 1960,
c. 274

(2) Within four weeks after the passing of a by-law under subsection 1, the clerk of the municipality shall register a duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the registry office for the registry division in which the municipality is situate or, if the municipality comprises two or more registry divisions, in one of them.

Registration
of by-law

(3) Every by-law registered in accordance with subsection 1, unless an application or action to quash the by-law is to quash

When by-law
to be valid,
where no
application
is to quash

made or brought in a court of competent jurisdiction within four weeks after the registration, is valid and binding according to its terms.

Where
application
to quash
dismissed

(4) If an application or action to quash the by-law is made or brought within four weeks of the registration of the by-law and is dismissed, a certificate of the dismissal shall be registered in the registry office in which the by-law was registered, and, after such dismissal, the by-law is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(5) After the expiration of four weeks from registration of the by-law under subsection 2, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought, or, if an application or action has been made or brought, that it has been dismissed and the certificate of such dismissal has been registered, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner
for loan

3.—(1) An owner of agricultural land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing a drainage work on such agricultural land.

Members of
council not
disqualified
by loan

(2) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

Discretion
of council

(3) The approval of any application under subsection 1 is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

Appointment
of inspector

4. The council of a municipality borrowing money under this Act shall employ an inspector of drainage who shall inspect the drainage work and file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the drainage work inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district or regional municipality, the council may request the district or regional municipality to issue the debenture on its behalf.

Debentures may be issued after receipt of inspector's certificate

(2) A municipality, or a district or regional municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality with respect to a number of drainage works.

Municipality not to issue more than one debenture per month

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued nor 75 per cent of the total cost of the drainage work or works with respect to which the debenture is issued.

Amount of debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.

Interest rates on debentures

(5) The term of the debentures shall be for a period of ten years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.

Term of debentures

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time prepay the whole amount of principal and interest owing at the time of such prepayment.

Prepayment

(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.

Date of debentures

(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.

Offer to sell

6. The Treasurer of Ontario may purchase, acquire and hold debentures issued under the authority of this Act and pay therefor out of the Consolidated Revenue Fund.

Purchase and validation of debentures

Terms on
which
council
shall lend
money

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of ten years at a rate of interest equal to that set out in the debenture by which the funds are borrowed, but the amount loaned to any one applicant shall not exceed the amount applied for nor 75 per cent of the total cost of the drainage work with respect to which the loan is made.

Collection
of special
rate

8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of ten years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in ten years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1960,
c. 249

Repayment
by
municipality
to province

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario on or before the due date.

Interest
when
default
in payment

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council.

Sale of
part of
land with
respect to
which money
lent

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

Apportion-
ment of
rate

(3) The council in making the apportionment shall have regard to the effect of the drainage work on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

Filing of
order of
apportion-
ment

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

11. The owner of agricultural land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed.

Discharge of
indebtedness
by owner

12. The Lieutenant Governor in Council may make regulations for the purposes of this Act prescribing forms and defining any word or expression not defined in this Act.

Regulations

13. The following are repealed :

Repeal :

- | | |
|---|------------------------|
| 1. <i>The Tile Drainage Act.</i> | R.S.O. 1960,
c. 399 |
| 2. <i>The Tile Drainage Amendment Act, 1961-62.</i> | 1961-62, c. 138 |
| 3. <i>The Tile Drainage Amendment Act, 1966.</i> | 1966, c. 155 |
| 4. <i>The Tile Drainage Amendment Act, 1968-69.</i> | 1968-69, c. 129 |
| 5. <i>The Tile Drainage Amendment Act, 1970.</i> | 1970, c. 47 |

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

15. This Act may be cited as *The Tile Drainage Act, 1971.*

Short title

The Tile Drainage Act, 1971

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

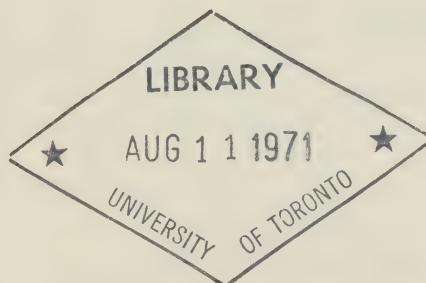
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Tile Drainage Act, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 75

1971

The Tile Drainage Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "drainage work" means a drainage system constructed of tile, pipe or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land drained;
- (b) "municipality" means a city, town, village, township or improvement district;
- (c) "prescribed" means prescribed by the regulations made under this Act.

2.—(1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws in the prescribed form authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of drainage works and the issuance of debentures in the prescribed form by the municipality or by a district or regional municipality on its behalf.

Borrowing
powers of
municipali-
tiesR.S.O. 1960,
c. 274

(2) Within four weeks after the passing of a by-law under subsection 1, the clerk of the municipality shall register a duplicate original or a copy of it, certified under his hand and the seal of the municipal corporation, in the registry office for the registry division in which the municipality is situate or, if the municipality comprises two or more registry divisions, in one of them.

Registration
of by-law

(3) Every by-law registered in accordance with subsection 2, unless an application or action to quash the by-law is to quash

When by-law
to be valid,
where no
application

made or brought in a court of competent jurisdiction within four weeks after the registration, is valid and binding according to its terms.

Where
application
to quash
dismissed

(4) If an application or action to quash the by-law is made or brought within four weeks of the registration of the by-law and is dismissed, a certificate of the dismissal shall be registered in the registry office in which the by-law was registered, and, after such dismissal, the by-law is valid and binding according to its terms.

Offer to
sell
debentures
to the
Province

(5) After the expiration of four weeks from registration of the by-law under subsection 2, a certified copy of the by-law shall be deposited with the Treasurer of Ontario together with an affidavit of the clerk of the municipality in the prescribed form stating that no application or action to quash the by-law has been made or brought, or, if an application or action has been made or brought, that it has been dismissed and the certificate of such dismissal has been registered, and the debentures authorized by the by-law may thereafter be offered for sale to the Province of Ontario.

Application
by owner
for loan

3.—(1) An owner of agricultural land who is assessed as the owner thereof in the municipality or, where at any time after the return of the assessment roll and before the return of the assessment roll in the following year, the land is conveyed to some other person, such other person may make application to the council of the municipality in the prescribed form to borrow money for the purpose of constructing a drainage work on such agricultural land.

Members of
council not
disqualified
by loan

(2) No person by reason of having borrowed money under this Act is disqualified from being elected as a member of council or from sitting or voting therein, but no member of council shall vote on any question affecting an application for a loan in which he has an interest.

Discretion
of council

(3) The approval of any application under subsection 1 is in the discretion of the council whose decision is final and written notice of the decision shall forthwith be given to the applicant.

Appointment
of inspector

4. The council of a municipality borrowing money under this Act shall employ an inspector of drainage who shall inspect the drainage work and file with the clerk an inspection and completion certificate in the prescribed form, and the cost of such services by the inspector shall be charged against the drainage work inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7.

5.—(1) After the receipt of the inspection and completion certificate, the council may issue a debenture payable to the Treasurer of Ontario with respect to the funds to be loaned by the municipality, and, in the case of a municipality within a district or regional municipality, the council may request the district or regional municipality to issue the debenture on its behalf.

Debentures may be issued after receipt of inspector's certificate

(2) A municipality, or a district or regional municipality on its behalf, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality with respect to a number of drainage works.

Municipality not to issue more than one debenture per month

(3) The amount of each debenture issued to the Treasurer of Ontario shall be in the sum of \$100 or any multiple thereof and shall not exceed the amount of the loan or loans with respect to which the debenture is issued nor 75 per cent of the total cost of the drainage work or works with respect to which the debenture is issued.

Amount of debentures

(4) The interest rates applicable to debentures, both before and after maturity, issued under this Act shall be determined from time to time by the Lieutenant Governor in Council.

Interest rates on debentures

(5) The term of the debentures shall be for a period of ten years and shall be repayable by equal annual instalments of principal and interest each due on the anniversary date of the debenture.

Term of debentures

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time prepay the whole amount of principal and interest owing at the time of such prepayment.

Prepayment

(7) Each debenture shall be dated the first day of the month following the month in which it is delivered to the Treasurer of Ontario.

Date of debentures

(8) An application requesting the Treasurer of Ontario to purchase a debenture shall be by way of an offer to sell in the prescribed form and shall accompany the debenture delivered to the Treasurer of Ontario.

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Purchase and validation of debentures

Terms on
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7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof for a term of ten years at a rate of interest equal to that set out in the debenture by which the funds are borrowed, but the amount loaned to any one applicant shall not exceed the amount applied for nor 75 per cent of the total cost of the drainage work with respect to which the loan is made.

Collection
of special
rate

8. The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of ten years, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge in ten years the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1960,
c. 249

Repayment
by
municipality
to province

9.—(1) The annual payment on any debenture for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario on or before the due date.

Interest
when
default
in payment

(2) In the event of default in any such payment, interest thereon shall accrue during the time of such default and the rate of such interest shall be determined from time to time by the Lieutenant Governor in Council.

Sale of
part of
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respect to
which money
lent

10.—(1) Where a part of a parcel of land in respect of which money has been lent under this Act is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice

(2) The clerk of the municipality shall give the owners of the parts into which the land is divided at least ten days notice in writing by registered mail of the time and place the council will make the apportionment.

Apportion-
ment of
rate

(3) The council in making the apportionment shall have regard to the effect of the drainage work on each part into which the parcel of land is divided and such other matters as it considers appropriate, and the decision of the council with respect to the apportionment is final.

Filing of
order of
apportion-
ment

(4) The order of apportionment shall be filed with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

11. The owner of agricultural land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed.

Discharge of
indebtedness
by owner

12. The Lieutenant Governor in Council may make regulations for the purposes of this Act prescribing forms and defining any word or expression not defined in this Act.

Regulations

13. The following are repealed:

Repeal:

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| 1. <i>The Tile Drainage Act.</i> | R.S.O. 1960,
c. 399 |
| 2. <i>The Tile Drainage Amendment Act, 1961-62.</i> | 1961-62, c. 138 |
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| 4. <i>The Tile Drainage Amendment Act, 1968-69.</i> | 1968-69, c. 129 |
| 5. <i>The Tile Drainage Amendment Act, 1970.</i> | 1970, c. 47 |

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

15. This Act may be cited as *The Tile Drainage Act, 1971*.

Short title

The Tile Drainage Act, 1971

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

3rd Reading

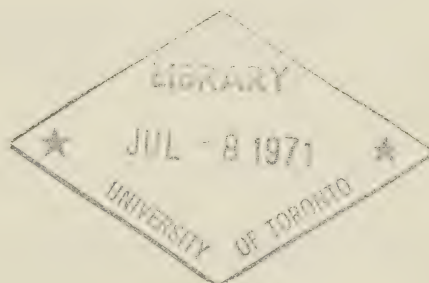
July 8th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to authorize
the Raising of Money on the Credit of the
Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 76

1971

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$800,000,000.

Loans up to
\$800,000,000.
R.S.O. 1960,
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Ontario Loan Act, 1971*.

Short title

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(Government Bill)

BILL 76

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to authorize
the Raising of Money on the Credit of the
Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 76

1971

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$800,000,000. Loans up to \$800,000,000. R.S.O. 1960, c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Loan Act, 1971*. Short title

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

3rd Reading

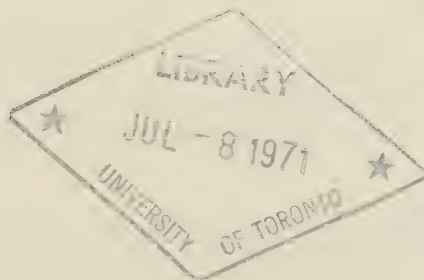
July 8th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Ontario Universities Capital Aid Corporation Act, 1964**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to permit the Corporation to purchase from the Art Gallery of Ontario and The Royal Ontario Museum bonds and debentures issued by such institutions for capital construction projects that have been approved by the Lieutenant Governor in Council.

BILL 77

1971

**An Act to amend
The Ontario Universities Capital Aid
Corporation Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as re-enacted by section 2 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, is amended by striking out “and” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause:

- (c) to the Art Gallery of Ontario and The Royal Ontario Museum.

2. Section 4 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as re-enacted by section 4 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, is amended by striking out “and” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause:

- (c) to purchase from the Art Gallery of Ontario and The Royal Ontario Museum bonds or debentures issued by them for capital construction projects that have been approved by the Lieutenant Governor in Council.

3. Section 11 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as amended by section 6 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, is further amended by adding thereto the following subsection:

- (3) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time

Purchase of
debentures of
the Art
Gallery of
Ontario or
The Royal
Ontario
Museum

purchase from the Art Gallery of Ontario or The Royal Ontario Museum bonds or debentures issued by such institutions for capital construction projects approved by the Lieutenant Governor in Council.

1964, c. 85,
s. 15, cls. b-f
(1967, c. 69,
s. 7),
re-enacted

4. Clauses *b, c, d, e* and *f* of section 15 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as re-enacted by section 7 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, are repealed and the following substituted therefor:

- (b) the arrangements that the Corporation may make for the purchase of bonds or debentures under this Act;
- (c) the manner in which colleges, universities, the Art Gallery of Ontario and The Royal Ontario Museum may apply to the Corporation for its purchase of their bonds or debentures, and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed with regard to the purchase by the Corporation of bonds or debentures under this Act;
- (e) the consideration and granting by the Corporation of applications for its purchase of bonds or debentures under this Act;
- (f) the sale, hypothecation or other disposition by the Corporation of any bonds or debentures purchased by the Corporation under this Act.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1971*.

An Act to amend
The Ontario Universities Capital Aid
Corporation Act, 1964

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(*Government Bill*)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Ontario Universities Capital Aid Corporation Act, 1964**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



T O R O N T O

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 77

1971

**An Act to amend
The Ontario Universities Capital Aid
Corporation Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as re-enacted by section 2 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

- (c) to the Art Gallery of Ontario and The Royal Ontario Museum.

2. Section 4 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as re-enacted by section 4 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

- (c) to purchase from the Art Gallery of Ontario and The Royal Ontario Museum bonds or debentures issued by them for capital construction projects that have been approved by the Lieutenant Governor in Council.

3. Section 11 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as amended by section 6 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, is further amended by adding thereto the following subsection:

- (3) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time

Purchase of
debentures of
the Art
Gallery of
Ontario or
The Royal
Ontario
Museum

purchase from the Art Gallery of Ontario or The Royal Ontario Museum bonds or debentures issued by such institutions for capital construction projects approved by the Lieutenant Governor in Council.

1964, c. 85,
s. 15, cls. b-f
(1967, c. 69,
s. 7),
re-enacted

4. Clauses *b, c, d, e* and *f* of section 15 of *The Ontario Universities Capital Aid Corporation Act, 1964*, as re-enacted by section 7 of *The Ontario Universities Capital Aid Corporation Amendment Act, 1967*, are repealed and the following substituted therefor:

- (b) the arrangements that the Corporation may make for the purchase of bonds or debentures under this Act;
- (c) the manner in which colleges, universities, the Art Gallery of Ontario and The Royal Ontario Museum may apply to the Corporation for its purchase of their bonds or debentures, and the forms, records and proofs to be furnished with such applications;
- (d) the conditions to be imposed with regard to the purchase by the Corporation of bonds or debentures under this Act;
- (e) the consideration and granting by the Corporation of applications for its purchase of bonds or debentures under this Act;
- (f) the sale, hypothecation or other disposition by the Corporation of any bonds or debentures purchased by the Corporation under this Act.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1971*.

An Act to amend
The Ontario Universities Capital Aid
Corporation Act, 1964

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

3rd Reading

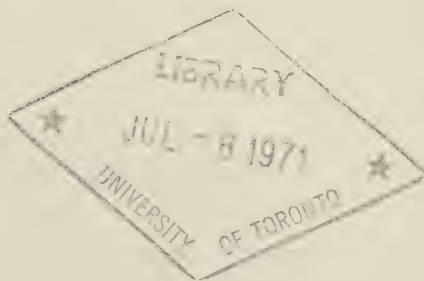
July 8th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Service Superannuation Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. At present, interest is credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum. The provision is revised to provide that the rate shall be determined from time to time by the Lieutenant Governor in Council.

SECTION 2. The amendment permits persons who were contributors to the Fund to continue contributing to it even though they are no longer civil servants or Crown employees, if they are transferred to another public authority and if an agreement can be reached with the authority concerning equal contributions.

SECTION 3. At present, when a person is in receipt of an allowance or annuity from the Fund and is re-employed in the Public Service, his allowance is suspended if he works for a period over 130 days. The amendment provides that his allowance or annuity will be reduced by the amount that the sum of three times the monthly salary authorized during any three-month period of re-employment and the amount of allowance that would otherwise be payable to him during that period exceeds an amount equal to three times his monthly salary payable to him before he became entitled to the allowance or annuity.

BILL 78

1971

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 4 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 4,
subs. 4,
re-enacted

(4) Interest shall be credited at the close of each fiscal year to the Fund out of the Consolidated Revenue Fund at a rate and in a manner to be determined from time to time by the Lieutenant Governor in Council. Interest

2. Section 5 of *The Public Service Superannuation Act*, as re-enacted by section 3 of *The Public Service Superannuation Amendment Act, 1966*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 332, s. 5
(1966, c. 131,
s. 3),
amended

(3) Notwithstanding subsection 2, a contributor who ceases to be employed in the public service because the service he provided has been transferred to another public authority, may, subject to the approval of the Lieutenant Governor in Council and to the terms and conditions negotiated between the Board and the other public authority, including the matter of equivalent contribution by the contributor and the other public authority, continue to contribute to the Fund in which case this Part applies as though he were a contributor within the meaning of this Act. Application
of this Part
to former
contributors

3. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 14 of *The Public Service Superannuation Amendment Act, 1966* and amended by section 5 of *The Public Service Superannuation Amendment Act, 1966*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 332, s. 16,
subs. 1
(1966, c. 131,
s. 14),
re-enacted

Act, 1968-69, is repealed and the following substituted therefor:

Re-employment of
superannuate

(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown, any allowance or annuity to which he is entitled during such re-employment or engagement shall, with respect to any period of three months, commencing on the 1st day of January, April, July or October in any year, during which he is at any time so re-employed or engaged, be reduced by the amount by which the sum of,

(a) three times the monthly salary authorized to be paid to him during that period of three months of his re-employment or engagement; and

(b) the allowance or annuity which would be payable to him during that period of three months if he were not re-employed or engaged,

exceeds the amount equal to three times the monthly salary payable to him during the last full month of his employment before he became entitled to the allowance or annuity.

R.S.O. 1960,
c. 332, s. 21
(1968-69,
c. 103, s. 8),
amended

4. Section 21 of *The Public Service Superannuation Act*, as re-enacted by section 8 of *The Public Service Superannuation Amendment Act, 1968-69*, is amended by adding at the commencement thereof "The payment of", so that the section shall read as follows:

Payment of
allowances
and
annuities

21. The payment of allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1960,
c. 332, s. 27,
re-enacted

5. Section 27 of *The Public Service Superannuation Act*, as amended by section 12 of *The Public Service Superannuation Amendment Act, 1960-61* and section 9 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Boards,
commissions,
etc.

27. This Part applies,

(a) to the permanent and full-time probationary staff of any board, commission or foundation

SECTION 4. The amendment is to make it clear that all annuities and allowances will commence to be paid on the first day of the month following the month in which the contributor becomes entitled to the annuity or allowance.

SECTION 5. The amendment permits full-time members of boards, commissions or provincial foundations to contribute to the Fund subject to the approval of the Lieutenant Governor in Council.

SECTION 6. Subsections 1, 2 and 3. The amendments allow for transfer arrangements of contributions between the Province of Ontario and Crown Corporations established by Canada or other provinces of Canada.

established under any Act of the Legislature that is designated by the Lieutenant Governor in Council; and

- (b) to any full-time member of any such board, commission or foundation,
 - (i) who holds a position that is designated by the Lieutenant Governor in Council as a position to which Part I may apply, and
 - (ii) whose request therefor in writing has been approved by the Lieutenant Governor in Council.

6.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61* and subsection 1 of section 10 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 28,
subs. 1,
re-enacted

(1) Where a contributor becomes a member of,

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario; or
- (d) the staff of any Crown corporation of Canada or of any province of Canada,

Arrangement
for payment
out of Fund
into another
super-
annuation
fund

a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Subsection 2 of the said section 28, as amended by subsection 2 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61* and subsection 2 of section 10 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 28,
subs. 2,
re-enacted

into Fund
out of
another
super-
annuation
fund

(2) Where a member of,

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario; or
- (d) the staff of any Crown corporation of Canada or of any province of Canada,

becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission, public institution or Crown corporation, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as the Board may determine.

R.S.O. 1960,
c. 332, s. 28,
subs. 3
(1960-61,
c. 84, s. 13,
subs. 3),
amended

(3) Subsection 3 of the said section 28, as enacted by subsection 3 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is amended by striking out "or public institution" in the fourth and fifth lines and inserting in lieu thereof "public institution or Crown corporation", so that the subsection shall read as follows:

Agreements
authorized

- (3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution or Crown corporation mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

R.S.O. 1960,
c. 332, s. 28,
subs. 4
(1961-62,
c. 122, s. 11),
re-enacted

(4) Subsection 4 of the said section 28, as enacted by section 11 of *The Public Service Superannuation Amendment Act, 1961-62* and amended by subsection 3 of section 10 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Idem

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or annuity, service rendered to the other

Subsection 4. The amendment is to clarify what service will be counted for determining the minimum requirement of 10 years.

party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund.

7.—(1) This Act, except sections 1, 5 and 6, comes into ^{Commence-}force on the day it receives Royal Assent.^{ment}

(2) Section 5 shall be deemed to have come into force ^{Idem} on the 1st day of April, 1969.

(3) Section 6 shall be deemed to have come into force ^{Idem} on the 1st day of June, 1970.

(4) Section 1 shall be deemed to have come into force ^{Idem} on the 1st day of March, 1971.

8. This Act may be cited as *The Public Service Super-* ^{Short title}
annuation Amendment Act, 1971.

An Act to amend
The Public Service
Superannuation Act

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

(*Government Bill*)

CA20N

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BILL 78

GOVERNMENT
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Public Service Superannuation Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 78

1971

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 4 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 4,
subs. 4,
re-enacted

- (4) Interest shall be credited at the close of each fiscal year to the Fund out of the Consolidated Revenue Fund at a rate and in a manner to be determined from time to time by the Lieutenant Governor in Council. Interest

2. Section 5 of *The Public Service Superannuation Act*, as re-enacted by section 3 of *The Public Service Superannuation Amendment Act, 1966*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 332, s. 5
(1966, c. 131,
s. 3),
amended

- (3) Notwithstanding subsection 2, a contributor who ceases to be employed in the public service because the service he provided has been transferred to another public authority, may, subject to the approval of the Lieutenant Governor in Council and to the terms and conditions negotiated between the Board and the other public authority, including the matter of equivalent contribution by the contributor and the other public authority, continue to contribute to the Fund in which case this Part applies as though he were a contributor within the meaning of this Act. Application
of this Part
to former
contributors

3. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 14 of *The Public Service Superannuation Amendment Act, 1966* and amended by section 5 of *The Public Service Superannuation Amendment Act, 1966*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 332, s. 16,
subs. 1
(1966, c. 131,
s. 14),
re-enacted

Act, 1968-69, is repealed and the following substituted therefor:

Re-employment of
superannuate

(1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown, any allowance or annuity to which he is entitled during such re-employment or engagement shall, with respect to any period of three months, commencing on the 1st day of January, April, July or October in any year, during which he is at any time so re-employed or engaged, be reduced by the amount by which the sum of,

(a) three times the monthly salary authorized to be paid to him during that period of three months of his re-employment or engagement; and

(b) the allowance or annuity which would be payable to him during that period of three months if he were not re-employed or engaged,

exceeds the amount equal to three times the monthly salary payable to him during the last full month of his employment before he became entitled to the allowance or annuity.

R.S.O. 1960,
c. 332, s. 21
(1968-69,
c. 103, s. 8),
amended

4. Section 21 of *The Public Service Superannuation Act*, as re-enacted by section 8 of *The Public Service Superannuation Amendment Act, 1968-69*, is amended by adding at the commencement thereof "The payment of", so that the section shall read as follows:

Payment of
allowances
and
annuities

21. The payment of allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1960,
c. 332, s. 27,
re-enacted

5. Section 27 of *The Public Service Superannuation Act*, as amended by section 12 of *The Public Service Superannuation Amendment Act, 1960-61* and section 9 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Boards,
commissions,
etc.

27. This Part applies,

(a) to the permanent and full-time probationary staff of any board, commission or foundation

established under any Act of the Legislature that is designated by the Lieutenant Governor in Council; and

- (b) to any full-time member of any such board, commission or foundation,
 - (i) who holds a position that is designated by the Lieutenant Governor in Council as a position to which Part I may apply, and
 - (ii) whose request therefor in writing has been approved by the Lieutenant Governor in Council.

6.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61* and subsection 1 of section 10 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 28,
subs. 1,
re-enacted

- (1) Where a contributor becomes a member of,

Arrangement
for payment
out of Fund
into another
super-
annuation
fund

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario; or
- (d) the staff of any Crown corporation of Canada or of any province of Canada,

a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

(2) Subsection 2 of the said section 28, as amended by subsection 2 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61* and subsection 2 of section 10 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 28,
subs. 2,
re-enacted

into Fund
out of
another
super-
annuation
fund

(2) Where a member of,

- (a) the civil service of Canada or of any province of Canada;
- (b) the civic service of any municipality in Ontario;
- (c) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario; or
- (d) the staff of any Crown corporation of Canada or of any province of Canada,

becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission, public institution or Crown corporation, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as the Board may determine.

R.S.O. 1960,
c. 332, s. 28,
subs. 3
(1960-61,
c. 84, s. 13,
subs. 3),
amended

(3) Subsection 3 of the said section 28, as enacted by subsection 3 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is amended by striking out "or public institution" in the fourth and fifth lines and inserting in lieu thereof "public institution or Crown corporation", so that the subsection shall read as follows:

Agreements
authorized

- (3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution or Crown corporation mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

R.S.O. 1960,
c. 332, s. 28,
subs. 4
(1961-62,
c. 122, s. 11),
re-enacted

(4) Subsection 4 of the said section 28, as enacted by section 11 of *The Public Service Superannuation Amendment Act, 1961-62* and amended by subsection 3 of section 10 of *The Public Service Superannuation Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Idem

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or annuity, service rendered to the other

party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund.

7.—(1) This Act, except sections 1, 5 and 6, comes into ^{Commence-}ment force on the day it receives Royal Assent.

(2) Section 5 shall be deemed to have come into force ^{Idem} on the 1st day of April, 1969.

(3) Section 6 shall be deemed to have come into force ^{Idem} on the 1st day of June, 1970.

(4) Section 1 shall be deemed to have come into force ^{Idem} on the 1st day of March, 1971.

8. This Act may be cited as *The Public Service Super-* ^{Short title} *annuation Amendment Act, 1971.*

Bill 18

An Act to amend
The Public Service
Superannuation Act

1st Reading

June 22nd, 1971

2nd Reading

July 5th, 1971

3rd Reading

July 8th, 1971

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics

XB
-B 56

Publications

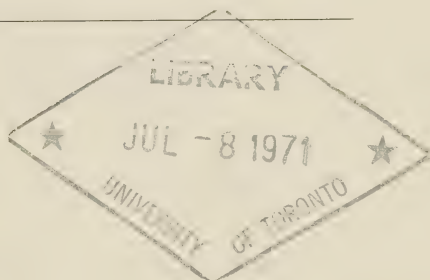
BILL 79

Private Member's Bill

4TH SESSION, 28TH ~~LEGISLATURE~~, ~~ONTARIO~~
20 ELIZABETH II, 1971

An Act to amend The Drainage Act, 1962-63

MR. JACKSON



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill requires the council of a local municipality to determine the amount of money to be spent on construction of a drainage works and to instruct the engineer appointed to carry out a feasibility study to ensure the project can be carried out within the amount determined.

BILL 79

1971

An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Drainage Act, 1962-63*, as amended by 1962-63, c. 39, s. 3, section 2 of *The Drainage Amendment Act, 1968*, is further amended amended by adding thereto the following subsection:

(1a) The council shall,

Amount to
be spent
on drainage
works

(a) before appointing an engineer pursuant to subsection 1, determine the amount of money to be spent on the drainage works to be constructed; and

(b) instruct the appointed engineer to study and report to the council, before the commencement of construction, as to the feasibility of constructing the drainage works for the amount determined under clause a.

2. This Act comes into force on the day it receives Commence-
ment
Royal Assent.

3. This Act may be cited as *The Drainage Amendment Act, 1971*. Short title

An Act to amend
The Drainage Act, 1962-63

1st Reading

June 22nd, 1971

2nd Reading

3rd Reading

MR. JACKSON

(Private Member's Bill)

CA20N

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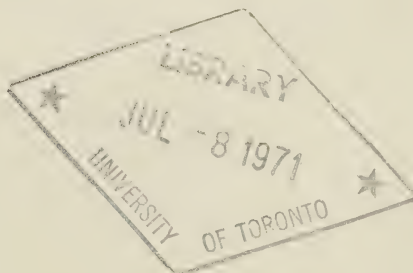
BILL 80

GOVERNMENT
Publications
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The University of Toronto Act, 1971

THE HON. JOHN WHITE
Minister of University Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

A draft of this Bill was tabled in the House on June 3rd last so that those concerned might have an opportunity to study it and to comment upon it before its formal introduction.

Many comments have been received and considered. This Bill is the result.

A basic feature of the Bill is that the corporation of the University is continued under a new name. See section 2(1). An important change in the Bill from the present Act is that the Board of Governors and the Senate of the University will be replaced by a unicameral body to be known as the Governing Council. Its membership will contain a large representation of the general public and also representatives of the teaching staff, administrative staff, students and alumni. See section 2(2).

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BILL 80

1971

The University of Toronto Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) “administrative staff” means the full-time employees of the University, University College and the constituent colleges who are not members of the teaching staff thereof;
- (b) “alumni” means the persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and the persons who have completed one year of full-time studies towards such a degree, diploma or certificate and are no longer registered;
- (c) “Chancellor” means the Chancellor of the University;
- (d) “college” means a school or other institution of learning;
- (e) “constituent college” means a college established by the Governing Council or any predecessor thereof;
- (f) “Executive Committee” means the Executive Committee of the Governing Council;
- (g) “Governing Council” means The Governing Council of the University of Toronto;
- (h) “President” means the President of the University;

- (i) "property" means property of any kind, real or personal;
- (j) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (k) "student" means any person registered for full-time or part-time study at the University in a program leading to a degree, diploma or certificate of the University;
- (l) "teaching staff" means the full-time employees of the University, University College, the constituent colleges and the federated universities who hold the faculty rank of professor, associate professor, assistant professor or lecturer;
- (m) "University" means the University of Toronto. 1959, c. 103, s. 1. *amended*.

R.S.O. 1960,
c. 71, ss. 75*a*,
326 not to
apply

(2) Sections 75*a* and 326 of *The Corporations Act* do not apply to the Governing Council.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

GOVERNING COUNCIL

Corporation
continued
under new
name

2.—(1) The Governors of the University of Toronto are continued as a corporation under the name "The Governing Council of the University of Toronto".

Composition
of Council

(2) The Governing Council shall be composed of,

- (a) the Chancellor and the President, who shall be *ex officio* members;
- (b) two members appointed by the President from among the officers of the University, its federated universities, federated colleges and affiliated colleges;
- (c) fourteen members appointed by the Lieutenant Governor in Council;
- (d) ten members elected by the teaching staff from among the teaching staff;

- (e) six members, three of whom shall be elected by and from among the undergraduate students, two of whom shall be elected by and from among the graduate students, and one of whom shall be elected by and from among the part-time students;
- (f) two members elected by the administrative staff from among the administrative staff; and
- (g) six members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni.

(3) No person shall serve as a member of the Governing Council unless he is a Canadian citizen. ^{Canadian citizenship}

(4) Every student is eligible for election to the Governing Council whether or not he has attained the age of twenty-one years. ^{Student members}

(5) Except in the case of a person appointed or elected to fill a vacancy, ^{Terms of office}

- (a) the persons appointed by the President shall be appointed for a one-year term;
- (b) on the first appointment of persons by the Lieutenant Governor in Council,
 - (i) four persons shall be appointed for a one-year term,
 - (ii) five persons shall be appointed for a two-year term, and
 - (iii) five persons shall be appointed for a three-year term,

and in each year thereafter the four or five persons, as the case may be, to be appointed shall be appointed for a three-year term;

- (c) on the first election of members by the teaching staff,
 - (i) three persons shall be elected for a one-year term,
 - (ii) three persons shall be elected for a two-year term, and

(iii) four persons shall be elected for a three-year term,

and in each year thereafter, the three or four persons, as the case may be, to be elected shall be elected for a three-year term;

(d) the persons elected by the students shall be elected for a one-year term;

(e) on the first election of persons by the administrative staff, one person shall be elected for a one-year term and one person shall be elected for a two-year term, and in each year thereafter in which there is an election of a person by the administrative staff, such person shall be elected for a three-year term; and

(f) on the first election of persons by the alumni,

(i) two persons shall be elected for a one-year term,

(ii) two persons shall be elected for a two-year term, and

(iii) two persons shall be elected for a three-year term,

and in each year thereafter two persons shall be elected for a three-year term.

Idem

(6) Subject to subsection 7, every member of the Governing Council holds office until his successor is appointed or elected, as the case may be.

When
members
cease to
be eligible

(7) A member of the Governing Council appointed by the President or elected ceases to hold office if he ceases to be eligible under the clause under which he was appointed or elected.

Reappoint-
ment and
re-election

(8) Any member appointed or elected under subsection 2 is eligible for reappointment or re-election so long as he does not serve continuously for more than nine years, but on the expiration of one year after having served continuously for nine years, he again becomes eligible for appointment or election.

Vacancies

(9) Where a vacancy occurs for any reason among the members of the Governing Council and the Governing

Council determines that the vacancy should be filled, the vacancy shall be filled by a person appointed or elected by the authority that appointed or elected the member whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the member whose office became vacant.

(10) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be the chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Chairman}

(11) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be vice-chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the vice-chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Vice-chairman}

(12) Fifteen members, including at least five members appointed by the Lieutenant Governor in Council, constitute a quorum of the Governing Council. ^{Quorum}

(13) The government, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, and the powers and duties of The Governors of the University of Toronto and of the Senate of the University under *The University of Toronto Act, 1947* as amended are vested in the Governing Council, and, without limiting the generality of the foregoing, the Governing Council has power to, ^{Powers of Governing Council}

(a) appoint the President;

(b) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tem* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed except on the recommendation of the President;

- (c) fix the number, the duties and the salaries and other emoluments of officers and employees of the University and University College;
- (d) appoint committees, and, where authority is conferred upon a committee to act for the Governing Council with respect to any matter or class of matters, a majority of the members thereof, including in the computation the *ex officio* members, shall be members of the Governing Council;
- (e) establish and terminate colleges, faculties, departments and chairs;
- (f) determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study and the requirements for graduation;
- (g) conduct examinations and appoint examiners;
- (h) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;
- (i) delegate such of its powers as it considers proper with respect to clauses *f*, *g* and *h* to any faculty, school, institute or department that may be continued under this Act or established under clause *e*;
- (j) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates, except in theology;
- (k) determine the manner and procedure of election of its members and conduct such elections;
- (l) acquire, hold without limitation as to the period of holding, sell, lease or otherwise deal with real property;
- (m) borrow from time to time such sums for the use of the University and of University College, and give such security against the assets of the University by way of mortgage or otherwise, as it determines;
- (n) invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on invest-

ment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper;

- (o) designate persons or classes of persons as administrative staff, teaching staff or students and transfer persons or classes of persons from one such group to another of such groups;
- (p) do all such acts and things as are necessary or expedient for the conduct of its affairs and the affairs of the University and University College.

(14) The Governing Council shall review this Act within ^{Review of Act} five years after it comes into force. *New.*

EXECUTIVE COMMITTEE

3.—(1) The Governing Council shall establish an Executive ^{Executive Committee} Committee of the Governing Council composed of,

- (a) the chairman of the Governing Council and the President, who shall be *ex officio* members; and
- (b) eight members appointed annually by the Governing Council from among its members as follows:
 1. One nominated by and from among the members appointed by the President.
 2. Three nominated by and from among the members appointed by the Lieutenant Governor in Council.
 3. Two nominated by and from among the members elected by the members of the teaching staff.
 4. One nominated by and from among the members elected by the students.
 5. One nominated by and from among the members elected by the alumni.

(2) The chairman of the Governing Council is the chairman ^{Chairman} of the Executive Committee.

(3) In the event of a vacancy in the membership of the ^{Vacancies} Executive Committee, subsection 9 of section 2 applies *mutatis mutandis*.

Function

(4) The Executive Committee may deal with any matter that is within the responsibility of the Governing Council, but no decision of the Executive Committee is effective until approved by the Governing Council or unless the Governing Council has previously assigned authority therefor to the Executive Committee. *New.*

CHANCELLOR

Chancellor

4.—(1) There shall be a Chancellor of the University who shall be elected by the alumni in a manner to be determined by the Governing Council. 1955, c. 90, s. 4, *part, amended.*

Canadian citizen

(2) No person shall serve as Chancellor unless he is a Canadian citizen. 1955, c. 90, s. 4, *part*; 1959, c. 103, s. 10 (1), *amended.*

Term of office

(3) The Chancellor shall serve for a term of three years commencing on the 1st day of July of the year in which he is elected and he shall hold office until his successor is appointed and is eligible for re-election for one additional term of three years. 1955, c. 90, s. 4, *part, amended.*

Chairman of Convocation

(4) The Chancellor is chairman of Convocation. 1947, c. 112, s. 60, *amended.*

To confer degrees

(5) Except as provided in subsection 3 of section 5, all degrees shall be conferred by the Chancellor. 1947, c. 112, s. 61, *amended.*

PRESIDENT

President

5.—(1) There shall be a President of the University appointed by the Governing Council who shall be the chief executive officer of the University and who shall have general supervision over and direction of the academic work of the University and the teaching and administrative staffs thereof. R.S.O. 1960, c. 112, s. 75 (1), *part, amended.*

Canadian citizen

(2) No person shall serve as President unless he is a Canadian citizen. *New.*

To confer degrees in absence of Chancellor

(3) In the absence of the Chancellor, the President shall confer degrees.

Recommendations as to staffs

(4) The President shall make recommendations to the Governing Council as to appointments to, promotions in, and suspensions and removals from, the teaching and administrative staffs of the University and University College.

(5) The President shall report annually to the Governing Council upon the administration and the academic work of the University and University College and may make such recommendations with respect thereto as he considers advisable, and he shall report upon any matter that is referred to him by the Governing Council or the Executive Committee and upon such other matters as he considers advisable. 1947, c. 112, s. 75, *part, amended*. Annual report

CONVOCATION

6.—(1) There shall be a Convocation composed of the members of the Governing Council, committees appointed by the Governing Council, teaching and administrative staffs, students and alumni. Composition

(2) The Governing Council or the Chancellor may call a Convocation for such purpose as the Governing Council or the Chancellor, as the case may be, determines. Calling Convocation

(3) Convocation has power to consider the matter for which it was called and may make such representations thereon as as it determines. 1947, c. 112, ss. 51-61, *amended*. Powers

GENERAL

7. The provincial university, known as the University of Toronto, the provincial college, known as University College, and the several colleges, faculties and schools of the University are continued, and, subject to this Act, shall respectively continue to have, hold, possess and enjoy all the property, rights, powers and privileges that they now have, hold, possess or enjoy. 1947, c. 112, s. 2, *amended*. University, University College, etc., continued

8. All appointments in and statutes, by-laws, resolutions and regulations affecting the University and University College and each of them shall continue, subject to this Act, and subject also, as to the teaching staff and all officers and employees, to their removal by the Governing Council. 1959, c. 103, s. 3, *amended*. Appointments, statutes, by-laws, etc., continued

9.—(1) Every university and every college federated with the University and every college affiliated with the University shall, subject to any statute in that behalf and to this Act, continue to be so federated or affiliated. Universities and colleges, federated or affiliated

(2) Every college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall, subject to this Act, be deemed to be affiliated with the University. Colleges affiliated with federated university

Federated
universities

(3) The following universities are federated with the University:

1. Victoria University.
2. Trinity College.
3. The University of St. Michael's College.

Federated
colleges

(4) The following colleges are federated with the University:

1. Knox College.
2. Wycliffe College.
3. Emmanuel College of Victoria University.

Affiliated
colleges

(5) The following college is affiliated with the University:

1. St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

Removal of
colleges

(6) The Governing Council may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, that becomes an integral part of or federates or affiliates with any other university that has and exercises the powers of conferring any degrees other than those in theology.

College
affiliated
with
federated
university,
dissolution
of federation

(7) If and when any university now or hereafter federated with the University ceases to be federated with it, every college that is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University. 1947, c. 112, s. 5, *part, amended*.

Suspension
of degree-
conferring
powers during
federation

10.—(1) The power of conferring degrees, except in theology, of any university now or hereafter federated with the University is suspended and in abeyance but may be resumed by any such federated university if three years have elapsed from the date when its federation with the University took effect and, if after the lapse of such three years, one year's notice in writing of its intention to resume its degree-conferring power has been given to the Governing Council and such federated university ceases to be federated with the University at and after the expiry of the last-mentioned period.

(2) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 1947, c. 112, s. 6 (3-5), *amended*. Rights of graduates and undergraduates of federated university

11. The constituent colleges of the University are, Constituent colleges

- (a) Erindale College;
- (b) Innis College;
- (c) New College;
- (d) Scarborough College,

and any other colleges hereafter established by the Governing Council. *New*.

12.—(1) No religious test shall be required of any member of the teaching staff, the administrative staff or any student, and no religious observances according to the forms of any religious denomination or sect shall be imposed on them or any of them. Religious tests, etc., not required

(2) Nothing in this section interferes with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline, but where a federated university or college declares itself to be non-denominational in character, subsection 1 applies to the federated university or college. 1947, c. 112, s. 7, *amended*. Right of federated universities and colleges as to religion

PROPERTY

13. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any college, faculty, school or department thereof or otherwise in connection therewith, subject always to any trust affecting the property, is vested in the Governing Council. 1947, c. 112, s. 9, *amended*. Property vested in trustees transferred to Governing Council

14. All real property vested in the Governing Council shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property Application of statute of limitations to property

vested in the Crown for the public uses of Ontario. 1947, c. 112, s. 11.

Land vested
in Governing
Council, etc.,
not liable to
expropriation

15. The real property vested in the Governing Council or owned by or vested in any university or college federated with the University is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to any such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1947, c. 112, s. 13, *amended*.

Exemption
of property
from
taxation,
exception as
to certain
lessees and
occupants

16.—(1) The property vested in the Governing Council and any lands and premises leased to or occupied by the Governing Council are not liable to taxation for municipal or school purposes, but, except as mentioned in subsections 2 and 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Governing Council and every occupant other than the Governing Council of real property vested in the Governing Council is liable to taxation.

Certain
lessees or
occupants
same as
Governing
Council

(2) The liability to taxation of the interest of a lessee or occupant mentioned in subsection 1 does not extend to the interest of a lessee or occupant,

(a) who is a member of the teaching staff or the administrative staff of the University or University College; or

(b) that is an association of students,

where such person or association is the lessee or occupant of any part of the real property vested in the Governing Council and the interest of every such lessee or occupant is exempt from taxation to the same extent as the Governing Council is by subsection 1 exempt from taxation.

Certain
lands of
federated
bodies
exempt

(3) Those parts of the real property vested in the Governing Council which are now or hereafter may be owned, leased or occupied by a federated university or a federated college are also exempt from taxation in the same way and to the same extent as the real property vested in the Governing Council and lands and premises leased to or occupied by the Governing Council are by subsection 1 exempted from taxation. 1947, c. 112, s. 14, *amended*.

AUDITORS

R.S.O. 1960,
c. 317

17. The Governing Council shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Governing Council at least once a year. 1947, c. 112, s. 37, *amended*.

ANNUAL FINANCIAL REPORT

18.—(1) The Governing Council shall make a financial ^{Annual financial report} report annually to the Minister of University Affairs in such form and containing such information as the Minister may require.

(2) The Minister shall submit the report to the Lieutenant ^{Idem} Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1947, c. 112, s. 38, *amended*.

MISCELLANEOUS

19. Notwithstanding anything in this Act, the Governors of the University of Toronto shall forthwith after this section is proclaimed to be in force, conduct the first election of ^{First election of members of Governing Council} members of the Governing Council under clauses *d, e, f* and *g* of subsection 2 of section 2 as if this Act were in force for such purpose, and the Governors shall be deemed to have and may exercise any power necessary or expedient for such purpose.

20. The following are repealed:

Repeal

- | | |
|---|---------------------|
| 1. <i>The University of Toronto Act, 1947.</i> | 1947, c. 112 |
| 2. <i>The University of Toronto Amendment Act, 1953.</i> | 1953, c. 107 |
| 3. <i>The University of Toronto Amendment Act, 1955.</i> | 1955, c. 90 |
| 4. <i>The University of Toronto Amendment Act, 1958.</i> | 1958, c. 119 |
| 5. <i>The University of Toronto Amendment Act, 1959.</i> | 1959, c. 103 |
| 6. Section 30 of <i>The University of Guelph Act, 1964.</i> | 1964, c. 120, s. 30 |
| 7. <i>The University of Toronto Amendment Act, 1965.</i> | 1965, c. 138 |

21. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

22. This Act may be cited as *The University of Toronto* ^{Short title} *Act, 1971.*

The University of Toronto Act, 1971

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. JOHN WHITE
Minister of University Affairs

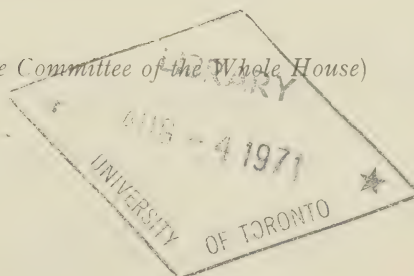
(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The University of Toronto Act, 1971

THE HON. JOHN WHITE
Minister of University Affairs

(Reprinted as amended by the Committee of the Whole House)



TORONTO

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EXPLANATORY NOTES

A draft of this Bill was tabled in the House on June 3rd last so that those concerned might have an opportunity to study it and to comment upon it before its formal introduction.

Many comments have been received and considered. This Bill is the result.

A basic feature of the Bill is that the corporation of the University is continued under a new name. See section 2(1). An important change in the Bill from the present Act is that the Board of Governors and the Senate of the University will be replaced by a unicameral body to be known as the Governing Council. Its membership will contain a large representation of the general public and also representatives of the teaching staff, administrative staff, students and alumni. See section 2(2).

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The University of Toronto Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) “administrative staff” means the employees of the University, University College, the constituent colleges and the federated universities who are not members of the teaching staff thereof;
- (b) “alumni” means the persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and the persons who have completed one year of full-time studies towards such a degree, diploma or certificate and are no longer registered;
- (c) “Chancellor” means the Chancellor of the University;
- (d) “college” means a school or other institution of learning;
- (e) “constituent college” means a college established by the Governing Council or any predecessor thereof;
- (f) “council” means the governing body of a college or faculty;
- (g) “Executive Committee” means the Executive Committee of the Governing Council;
- (h) “Governing Council” means The Governing Council of the University of Toronto;

- (i) "President" means the President of the University;
- (j) "property" means property of any kind, real or personal;
- (k) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (l) "student" means any person registered at the University for full-time or part-time study in a program that leads to a degree, diploma or certificate of the University or in a program designated by the Governing Council as a program of study at the University;
- (m) "teaching staff" means the employees of the University, University College, the constituent colleges and the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer unless such part-time lecturer is registered as a student;
- (n) "University" means the University of Toronto. 1959, c. 103, s. 1, *amended*.

R.S.O. 1960,
c. 71, ss. 75a,
326 not to
apply

(2) Sections 75a and 326 of *The Corporations Act* do not apply to the Governing Council.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

GOVERNING COUNCIL

Corporation
continued
under new
name

2.—(1) The Governors of the University of Toronto are continued as a corporation under the name "The Governing Council of the University of Toronto".

Composition
of Council

(2) The Governing Council shall be composed of,

- (a) the Chancellor and the President, who shall be *ex officio* members;
- (b) two members appointed by the President from among the officers of the University, its federated universities, federated colleges and affiliated colleges;

(c) sixteen members, none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council;

(d) twelve members elected by the teaching staff from among the teaching staff;

(e) eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students;

(f) two members elected by the administrative staff from among the administrative staff; and

(g) eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni.

(3) Members of the Governing Council shall act with diligence, honestly and with good faith in the best interests of the University and University College. Duty of members of Council

(4) No person shall serve as a member of the Governing Council unless he is a Canadian citizen. Canadian citizenship

(5) Every student is eligible for election to the Governing Council whether or not he has attained the age of eighteen years. Student members

(6) Except in the case of a person appointed or elected to fill a vacancy, Terms of office

(a) the persons appointed by the President shall be appointed for a one-year term;

(b) on the first appointment of persons by the Lieutenant Governor in Council,

(i) five persons shall be appointed for a one-year term,

(ii) five persons shall be appointed for a two-year term, and

(iii) six persons shall be appointed for a three-year term,

and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term;

(c) on the first election of members by the teaching staff,

(i) four persons shall be elected for a one-year term,

(ii) four persons shall be elected for a two-year term, and

(iii) four persons shall be elected for a three-year term,

and in each year thereafter the four persons to be elected shall be elected for a three-year term;

(d) the persons elected by the students shall be elected for a one-year term;

(e) on the first election of persons by the administrative staff, one person shall be elected for a one-year term and one person shall be elected for a two-year term, and in each year thereafter in which there is an election of a person by the administrative staff, such person shall be elected for a three-year term; and

(f) on the first election of persons by the alumni,

(i) two persons shall be elected for a one-year term,

(ii) three persons shall be elected for a two-year term, and

(iii) three persons shall be elected for a three-year term,

and in each year thereafter the two or three persons, as the case may be, to be elected shall be elected for a three-year term.

Idem

(7) Subject to subsection 8, every member of the Governing Council holds office until his successor is appointed or elected, as the case may be.

When
members
cease to
be eligible

(8) A member of the Governing Council appointed by the President or elected ceases to hold office if he ceases to be eligible under the clause under which he was appointed or elected.

(9) Any member appointed or elected under subsection 2 is eligible for reappointment or re-election so long as he does not serve continuously for more than nine years, but on the expiration of one year after having served continuously for nine years, he again becomes eligible for appointment or election. ^{Reappointment and re-election}

(10) Where a vacancy occurs for any reason among the members of the Governing Council and the Governing Council determines that the vacancy should be filled, the vacancy shall be filled by a person appointed or elected by the authority that appointed or elected the member whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the member whose office became vacant. ^{Vacancies}

(11) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be the chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Chairman}

(12) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be vice-chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the vice-chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Vice-chairman}

(13) Sixteen members, at least eight of whom shall be members elected by the alumni or appointed by the Lieutenant Governor in Council, constitute a quorum of the Governing Council. ^{Quorum}

(14) The government, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, and the powers and duties of The Governors of the University of Toronto and of the Senate of the University under *The University of Toronto Act, 1947* as amended are vested in the Governing Council, and, without limiting the generality of the foregoing, the Governing Council has power to, ^{Powers of Governing Council}

(a) appoint the President ;

- (b) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tem* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed except on the recommendation of the President;
- (c) fix the number, the duties and the salaries and other emoluments of officers and employees of the University and University College;
- (d) appoint committees, and, where authority is conferred upon a committee to act for the Governing Council with respect to any matter or class of matters, a majority of the members thereof, including in the computation the *ex officio* members, shall be members of the Governing Council;
- (e) establish and terminate colleges, faculties, departments and chairs;
- (f) determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study and the requirements for graduation;
- (g) conduct examinations and appoint examiners;
- (h) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;
- (i) delegate such of its powers as it considers proper with respect to clauses *f*, *g* and *h* to any college, faculty, school, institute or department that may be continued under this Act or established under clause *e*;
- (j) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates, except in theology;
- (k) determine the manner and procedure of election of its members and conduct such elections, but in the


case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot;

- (l) acquire, hold without limitation as to the period of holding, sell, lease or otherwise deal with real property;
- (m) borrow from time to time such sums for the use of the University and of University College, and give such security against the assets of the University by way of mortgage or otherwise, as it determines;
- (n) invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper;
- (o) do all such acts and things as are necessary or expedient for the conduct of its affairs and the affairs of the University and University College.

(15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings, and its decisions shall be made by resolutions passed at its meetings. By-laws and resolutions of Governing Council

(16) The by-laws of the Governing Council shall be open to examination by the public during normal business hours. By-laws open to examination

(17) The Governing Council shall publish its by-laws from time to time in such manner as it may consider proper. Publication of by-laws and resolutions

(18) The meetings, except meetings of committee of the whole, of the Governing Council shall be open to the public, prior notice of the meetings shall be given to the members and to the public in such manner as the Governing Council by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public. 

(19) The Governing Council shall review this Act and report thereon to the Minister of University Affairs within two years after it comes into force, whereupon the Minister shall Review of Act

submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

EXECUTIVE COMMITTEE

Executive
Committee

3.—(1) The Governing Council shall establish an Executive Committee of the Governing Council composed of,

- (a) the chairman of the Governing Council and the President, who shall be *ex officio* members; and
- (b) twelve members appointed annually by the Governing Council from among its members as follows:

1. One nominated by and from among the members appointed by the President and the members elected by the administrative staff.
2. Four nominated by and from among the members appointed by the Lieutenant Governor in Council.
3. Three nominated by and from among the members elected by the members of the teaching staff.
4. One nominated by and from among the members elected by the full-time undergraduate students.
5. One nominated by and from among the members elected by the graduate and part-time undergraduate students.
6. Two nominated by and from among the members elected by the alumni.

Chairman

(2) The chairman of the Governing Council is the chairman of the Executive Committee.

Vacancies

(3) In the event of a vacancy in the membership of the Executive Committee, subsection 10 of section 2 applies *mutatis mutandis*.

Function

(4) The Executive Committee may deal with any matter that is within the responsibility of the Governing Council, but no decision of the Executive Committee is effective until approved by the Governing Council or unless the Governing Council has previously assigned authority therefor to the Executive Committee. *New.*

CHANCELLOR

4.—(1) There shall be a Chancellor of the University who ^{Chancellor} shall be elected by the alumni in a manner to be determined by the Governing Council. 1955, c. 90, s. 4, *part, amended.*

(2) No person shall serve as Chancellor unless he is a ^{Canadian citizen} Canadian citizen. 1955, c. 90, s. 4, *part*; 1959, c. 103, s. 10 (1), *amended.*

(3) The Chancellor shall serve for a term of three years ^{Term of office} commencing on the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and is eligible for re-election for one additional term of three years. 1955, c. 90, s. 4, *part, amended.*

(4) The Chancellor is chairman of Convocation. 1947, c. ^{Chairman of Convocation} 112, s. 60, *amended.*

(5) Except as provided in subsection 3 of section 5, all ^{To confer degrees} degrees shall be conferred by the Chancellor. 1947, c. 112, s. 61, *amended.*

PRESIDENT

5.—(1) There shall be a President of the University ^{President} appointed by the Governing Council who shall be the chief executive officer of the University and who shall have general supervision over and direction of the academic work of the University and the teaching and administrative staffs thereof. R.S.O. 1960, c. 112, s. 75 (1), *part, amended.*

(2) No person shall serve as President unless he is a ^{Canadian citizen} Canadian citizen. *New.*

(3) In the absence of the Chancellor, the President shall ^{To confer degrees in absence of Chancellor} confer degrees but if he is absent or unable to act, degrees shall be conferred by such person as the Governing Council may designate.

(4) The President shall make recommendations to the ^{Recommendations as to staffs} Governing Council as to appointments to, promotions in, and suspensions and removals from, the teaching and administrative staffs of the University and University College.

(5) The President is a member *ex officio* of every council. ^{Member of faculty councils, etc.}

(6) The President may summon meetings of the council of ^{Meetings of faculty councils} any college, faculty or school.

Idem,
joint
meetings

(7) The President may summon joint meetings of the councils of the colleges, faculties and schools or any two or more of them.

To be
chairman

(8) The President may take the chair and preside over any meeting he may summon under the authority of subsection 6 or 7.

Annual
report

(9) The President shall report annually to the Governing Council upon the administration and the academic work of the University and University College and may make such recommendations with respect thereto as he considers advisable, and he shall report upon any matter that is referred to him by the Governing Council or the Executive Committee and upon such other matters as he considers advisable. 1947, c. 112, s. 75, *part, amended*.

CONVOCATION

Composition

6.—(1) There shall be a Convocation composed of the members of the Governing Council, committees appointed by the Governing Council, teaching and administrative staffs, students and alumni.

Calling
Convocation

(2) The Governing Council or the Chancellor may call a Convocation for such purpose as the Governing Council or the Chancellor, as the case may be, determines.

Powers

(3) Convocation has power to consider the matter for which it was called and may make such representations thereon as as it determines. 1947, c. 112, ss. 51-61, *amended*.

GENERAL

University,
University
College, etc.,
continued

7. The provincial university, known as the University of Toronto, the provincial college, known as University College, and the several colleges, faculties and schools of the University are continued, and, subject to this Act, shall respectively continue to have, hold, possess and enjoy all the property, rights, powers and privileges that they now have, hold, possess or enjoy. 1947, c. 112, s. 2, *amended*.

Appoint-
ments,
statutes,
by-laws, etc.,
continued

8. All appointments in and statutes, by-laws, resolutions and regulations affecting the University and University College and each of them shall continue, subject to this Act. 1959, c. 103, s. 3, *amended*.

Councils
and Caput
continued
1947, c. 112

9.—(1) Unless and until otherwise provided by the Governing Council, the councils and the Caput under *The University of Toronto Act, 1947* and their respective powers are continued.

(2) Notwithstanding section 2 but only with the approval of the Governing Council, any council may at any time change its internal structure and the form of its government. Powers of Council

10.—(1) Every university and every college federated with the University and every college affiliated with the University shall, subject to any statute in that behalf and to this Act, continue to be so federated or affiliated. Universities and colleges. federated or affiliated

(2) Every college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall, subject to this Act, be deemed to be affiliated with the University. Colleges affiliated with federated university

(3) The following universities are federated with the University: Federated universities

1. Victoria University.
2. Trinity College.
3. The University of St. Michael's College.

(4) The following colleges are federated with the University: Federated colleges

1. Knox College.
2. Wycliffe College.
3. Emmanuel College of Victoria University.

(5) The following college is affiliated with the University: Affiliated colleges

1. St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

(6) The Governing Council may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, that becomes an integral part of or federates or affiliates with any other university that has and exercises the powers of conferring any degrees other than those in theology. Removal of colleges

(7) If and when any university now or hereafter federated with the University ceases to be federated with it, every college that is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed College affiliated with federated university. dissolution of federation

when such federated university became federated with the University. 1947, c. 112, s. 5, *part, amended*.

Suspension
of degree-
conferring
powers during
federation

11.—(1) The power of conferring degrees, except in theology, of any university now or hereafter federated with the University is suspended and in abeyance but may be resumed by any such federated university if three years have elapsed from the date when its federation with the University took effect and, if after the lapse of such three years, one year's notice in writing of its intention to resume its degree-conferring power has been given to the Governing Council and such federated university ceases to be federated with the University at and after the expiry of the last-mentioned period.

Rights of
graduates
and under-
graduates
of federated
university

(2) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 1947, c. 112, s. 6 (3-5), *amended*.

Constituent
colleges

12. The constituent colleges of the University are,

- (a) Erindale College;
- (b) Innis College;
- (c) New College;
- (d) Scarborough College,

and any other colleges hereafter established by the Governing Council. *New*.

Religious
tests, etc.,
not required

13.—(1) No religious test shall be required of any member of the teaching staff, the administrative staff or any student, and no religious observances according to the forms of any religious denomination or sect shall be imposed on them or any of them.

Right of
federated
universities
and colleges
as to
religion

(2) Nothing in this section interferes with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline, but where a federated university or college declares itself to be non-denominational in character, subsection 1 applies to the federated university or college. 1947, c. 112, s. 7, *amended*.

PROPERTY

14. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any college, faculty, school or department thereof or otherwise in connection therewith, subject always to any trust affecting the property, is vested in the Governing Council. 1947, c. 112, s. 9, *amended*.

Property
vested
in trustees
transferred
to Governing
Council

15. All real property vested in the Governing Council shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 1947, c. 112, s. 11.

Application
of statute
of limit-
ations to
property

16. The real property vested in the Governing Council or owned by or vested in any university or college federated with the University is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to any such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1947, c. 112, s. 13, *amended*.

Land vested
in Governing
Council, etc.,
not liable to
expropriation

17.—(1) The property vested in the Governing Council and any lands and premises leased to or occupied by the Governing Council are not liable to taxation for municipal or school purposes, but, except as mentioned in subsections 2 and 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Governing Council and every occupant other than the Governing Council of real property vested in the Governing Council is liable to taxation.

Exemption
of property
from
taxation,
exception as
to certain
lessees and
occupants

(2) The liability to taxation of the interest of a lessee or occupant mentioned in subsection 1 does not extend to the interest of a lessee or occupant,

Certain
lessees or
occupants
same as
Governing
Council

(a) who is a member of the teaching staff or the administrative staff of the University or University College;
or

(b) that is an association of students,

where such person or association is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of

Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the Registry Division of Toronto, and the interest of every such lessee or occupant is exempt from taxation to the same extent as the Governing Council is by subsection 1 exempt from taxation.

Certain
lands of
federated
bodies
exempt

(3) Those parts of the lots mentioned in subsection 2, which are now or hereafter may be owned, leased or occupied by a federated university or a federated college are also exempt from taxation in the same way and to the same extent as the real property vested in the Governing Council and lands and premises leased to or occupied by the Governing Council are by subsection 1 exempted from taxation. 1947, c. 112, s. 14, *amended*.

AUDITORS

Auditors
R.S.O. 1960,
c. 317

18. The Governing Council shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Governing Council at least once a year. 1947, c. 112, s. 37, *amended*.

ANNUAL FINANCIAL REPORT

Annual
financial
report

19.—(1) The Governing Council shall make a financial report annually to the Minister of University Affairs in such form and containing such information as the Minister may require.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1947, c. 112, s. 38, *amended*.

MISCELLANEOUS

First
election of
members of
Governing
Council

20. Notwithstanding anything in this Act, the Governors of the University of Toronto shall forthwith after this section is proclaimed to be in force, conduct the first election of members of the Governing Council under clauses *d*, *e*, *f* and *g* of subsection 2 of section 2 as if this Act were in force for such purpose, and the Governors shall be deemed to have and may exercise any power necessary or expedient for such purpose.

Repeal

21. The following are repealed:

1947, c. 112

1. *The University of Toronto Act, 1947.*

- | | |
|---|------------------------|
| 2. <i>The University of Toronto Amendment Act, 1953.</i> | 1953, c. 107 |
| 3. <i>The University of Toronto Amendment Act, 1955.</i> | 1955, c. 90 |
| 4. <i>The University of Toronto Amendment Act, 1958.</i> | 1958, c. 119 |
| 5. <i>The University of Toronto Amendment Act, 1959.</i> | 1959, c. 103 |
| 6. Section 30 of <i>The University of Guelph Act, 1964.</i> | 1964, c. 120,
s. 30 |
| 7. <i>The University of Toronto Amendment Act, 1965.</i> | 1965, c. 138 |

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

23. This Act may be cited as *The University of Toronto Act, 1971*. Short title

The University of Toronto Act, 1971

1st Reading

June 24th, 1971

2nd Reading

July 5th, 1971

3rd Reading

THE HON. JOHN WHITE
Minister of University Affairs

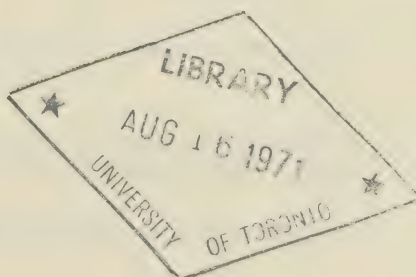
(Reprinted as amended by the
Committee of the Whole House)

BILL 80

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The University of Toronto Act, 1971

THE HON. JOHN WHITE
Minister of University Affairs



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

The University of Toronto Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) “administrative staff” means the employees of the University, University College, the constituent colleges and the federated universities who are not members of the teaching staff thereof;
- (b) “alumni” means the persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and the persons who have completed one year of full-time studies towards such a degree, diploma or certificate and are no longer registered;
- (c) “Chancellor” means the Chancellor of the University;
- (d) “college” means a school or other institution of learning;
- (e) “constituent college” means a college established by the Governing Council or any predecessor thereof;
- (f) “council” means the governing body of a college or faculty;
- (g) “Executive Committee” means the Executive Committee of the Governing Council;
- (h) “Governing Council” means The Governing Council of the University of Toronto;

- (i) "President" means the President of the University;
- (j) "property" means property of any kind, real or personal;
- (k) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (l) "student" means any person registered at the University for full-time or part-time study in a program that leads to a degree, diploma or certificate of the University or in a program designated by the Governing Council as a program of study at the University;
- (m) "teaching staff" means the employees of the University, University College, the constituent colleges and the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer unless such part-time lecturer is registered as a student;
- (n) "University" means the University of Toronto. 1959, c. 103, s. 1, *amended*.

R.S.O. 1960,
c. 71, ss. 75a,
326 not to
apply

(2) Sections 75a and 326 of *The Corporations Act* do not apply to the Governing Council.

Conflict

(3) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails. *New*.

GOVERNING COUNCIL

Corporation
continued
under new
name

2.—(1) The Governors of the University of Toronto are continued as a corporation under the name "The Governing Council of the University of Toronto".

Composition
of Council

(2) The Governing Council shall be composed of,

- (a) the Chancellor and the President, who shall be *ex officio* members;
- (b) two members appointed by the President from among the officers of the University, its federated universities, federated colleges and affiliated colleges;

- (c) sixteen members, none of whom shall be students, members of the administrative staff or members of the teaching staff, appointed by the Lieutenant Governor in Council;
 - (d) twelve members elected by the teaching staff from among the teaching staff;
 - (e) eight members, four of whom shall be elected by and from among the full-time undergraduate students, two of whom shall be elected by and from among the graduate students, and two of whom shall be elected by and from among the part-time undergraduate students;
 - (f) two members elected by the administrative staff from among the administrative staff; and
 - (g) eight members who are not students or members of the teaching staff or the administrative staff elected by the alumni from among the alumni.
- (3) Members of the Governing Council shall act with diligence, honestly and with good faith in the best interests of the University and University College. Duty of members of Council
- (4) No person shall serve as a member of the Governing Council unless he is a Canadian citizen. Canadian citizenship
- (5) Every student is eligible for election to the Governing Council whether or not he has attained the age of eighteen years. Student members
- (6) Except in the case of a person appointed or elected to fill a vacancy, Terms of office
- (a) the persons appointed by the President shall be appointed for a one-year term;
 - (b) on the first appointment of persons by the Lieutenant Governor in Council,
 - (i) five persons shall be appointed for a one-year term,
 - (ii) five persons shall be appointed for a two-year term, and
 - (iii) six persons shall be appointed for a three-year term,

and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term ;

(c) on the first election of members by the teaching staff,

(i) four persons shall be elected for a one-year term,

(ii) four persons shall be elected for a two-year term, and

(iii) four persons shall be elected for a three-year term,

and in each year thereafter the four persons to be elected shall be elected for a three-year term ;

(d) the persons elected by the students shall be elected for a one-year term ;

(e) on the first election of persons by the administrative staff, one person shall be elected for a one-year term and one person shall be elected for a two-year term, and in each year thereafter in which there is an election of a person by the administrative staff, such person shall be elected for a three-year term ; and

(f) on the first election of persons by the alumni,

(i) two persons shall be elected for a one-year term,

(ii) three persons shall be elected for a two-year term, and

(iii) three persons shall be elected for a three-year term,

and in each year thereafter the two or three persons, as the case may be, to be elected shall be elected for a three-year term.

Idem

(7) Subject to subsection 8, every member of the Governing Council holds office until his successor is appointed or elected, as the case may be.

When
members
cease to
be eligible

(8) A member of the Governing Council appointed by the President or elected ceases to hold office if he ceases to be eligible under the clause under which he was appointed or elected.

(9) Any member appointed or elected under subsection 2 is eligible for reappointment or re-election so long as he does not serve continuously for more than nine years, but on the expiration of one year after having served continuously for nine years, he again becomes eligible for appointment or election. ^{Reappointment and re-election}

(10) Where a vacancy occurs for any reason among the members of the Governing Council and the Governing Council determines that the vacancy should be filled, the vacancy shall be filled by a person appointed or elected by the authority that appointed or elected the member whose office became vacant, and the person so appointed or elected shall hold office for the remainder of the term of the member whose office became vacant. ^{Vacancies}

(11) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be the chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Chairman}

(12) On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be vice-chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the vice-chairman from among all the members appointed by the Lieutenant Governor in Council. ^{Vice-chairman}

(13) Sixteen members, at least eight of whom shall be members elected by the alumni or appointed by the Lieutenant Governor in Council, constitute a quorum of the Governing Council. ^{Quorum}

(14) The government, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, and the powers and duties of The Governors of the University of Toronto and of the Senate of the University under *The University of Toronto Act, 1947* as amended are vested in the Governing Council, and, without limiting the generality of the foregoing, the Governing Council has power to, ^{Powers of Governing Council} ^{1947, c. 112}

(a) appoint the President;

- (b) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tem* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed except on the recommendation of the President;
- (c) fix the number, the duties and the salaries and other emoluments of officers and employees of the University and University College;
- (d) appoint committees, and, where authority is conferred upon a committee to act for the Governing Council with respect to any matter or class of matters, a majority of the members thereof, including in the computation the *ex officio* members, shall be members of the Governing Council;
- (e) establish and terminate colleges, faculties, departments and chairs;
- (f) determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study and the requirements for graduation;
- (g) conduct examinations and appoint examiners;
- (h) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;
- (i) delegate such of its powers as it considers proper with respect to clauses *f*, *g* and *h* to any college, faculty, school, institute or department that may be continued under this Act or established under clause *e*;
- (j) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates, except in theology;
- (k) determine the manner and procedure of election of its members and conduct such elections, but in the

case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot;

(l) acquire, hold without limitation as to the period of holding, sell, lease or otherwise deal with real property;

(m) borrow from time to time such sums for the use of the University and of University College, and give such security against the assets of the University by way of mortgage or otherwise, as it determines;

(n) invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper;

(o) do all such acts and things as are necessary or expedient for the conduct of its affairs and the affairs of the University and University College.

(15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings, and its decisions shall be made by resolutions passed at its meetings. By-laws and resolutions of Governing Council

(16) The by-laws of the Governing Council shall be open to examination by the public during normal business hours. By-laws open to examination

(17) The Governing Council shall publish its by-laws from time to time in such manner as it may consider proper. Publication of by-laws and resolutions

(18) The meetings, except meetings of committee of the whole, of the Governing Council shall be open to the public, prior notice of the meetings shall be given to the members and to the public in such manner as the Governing Council by by-law shall determine, and no person shall be excluded therefrom except for improper conduct, but where intimate financial or personal matters of any person may be disclosed at a meeting the part of the meeting concerning such person shall be held *in camera* unless such person requests that such part of the meeting be open to the public. Meetings of Governing Council open to public

(19) The Governing Council shall review this Act and report thereon to the Minister of University Affairs within two years after it comes into force, whereupon the Minister shall Review of Act

submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

EXECUTIVE COMMITTEE

Executive
Committee

3.—(1) The Governing Council shall establish an Executive Committee of the Governing Council composed of,

- (a) the chairman of the Governing Council and the President, who shall be *ex officio* members; and
- (b) twelve members appointed annually by the Governing Council from among its members as follows:

- 1. One nominated by and from among the members appointed by the President and the members elected by the administrative staff.
- 2. Four nominated by and from among the members appointed by the Lieutenant Governor in Council.
- 3. Three nominated by and from among the members elected by the members of the teaching staff.
- 4. One nominated by and from among the members elected by the full-time undergraduate students.
- 5. One nominated by and from among the members elected by the graduate and part-time undergraduate students.
- 6. Two nominated by and from among the members elected by the alumni.

Chairman

(2) The chairman of the Governing Council is the chairman of the Executive Committee.

Vacancies

(3) In the event of a vacancy in the membership of the Executive Committee, subsection 10 of section 2 applies *mutatis mutandis*.

Function

(4) The Executive Committee may deal with any matter that is within the responsibility of the Governing Council, but no decision of the Executive Committee is effective until approved by the Governing Council or unless the Governing Council has previously assigned authority therefor to the Executive Committee. *New.*

CHANCELLOR

4.—(1) There shall be a Chancellor of the University who ^{Chancellor} shall be elected by the alumni in a manner to be determined by the Governing Council. 1955, c. 90, s. 4, *part, amended.*

(2) No person shall serve as Chancellor unless he is a ^{Canadian citizen} Canadian citizen. 1955, c. 90, s. 4, *part*; 1959, c. 103, s. 10 (1), *amended.*

(3) The Chancellor shall serve for a term of three years ^{Term of office} commencing on the 1st day of July of the year in which he is elected and he shall hold office until his successor is elected and is eligible for re-election for one additional term of three years. 1955, c. 90, s. 4, *part, amended.*

(4) The Chancellor is chairman of Convocation. 1947, c. ^{Chairman of Convocation} 112, s. 60, *amended.*

(5) Except as provided in subsection 3 of section 5, all ^{To confer degrees} degrees shall be conferred by the Chancellor. 1947, c. 112, s. 61, *amended.*

PRESIDENT

5.—(1) There shall be a President of the University ^{President} appointed by the Governing Council who shall be the chief executive officer of the University and who shall have general supervision over and direction of the academic work of the University and the teaching and administrative staffs thereof. R.S.O. 1960, c. 112, s. 75 (1), *part, amended.*

(2) No person shall serve as President unless he is a ^{Canadian citizen} Canadian citizen. *New.*

(3) In the absence of the Chancellor, the President shall ^{To confer degrees in absence of Chancellor} confer degrees but if he is absent or unable to act, degrees shall be conferred by such person as the Governing Council may designate.

(4) The President shall make recommendations to the ^{Recommendations as to staffs} Governing Council as to appointments to, promotions in, and suspensions and removals from, the teaching and administrative staffs of the University and University College.

(5) The President is a member *ex officio* of every council. ^{Member of faculty councils, etc.}

(6) The President may summon meetings of the council of any college, faculty or school. ^{Meetings of faculty councils}

Idem.
joint
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(7) The President may summon joint meetings of the councils of the colleges, faculties and schools or any two or more of them.

To be
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(8) The President may take the chair and preside over any meeting he may summon under the authority of subsection 6 or 7.

Annual
report

(9) The President shall report annually to the Governing Council upon the administration and the academic work of the University and University College and may make such recommendations with respect thereto as he considers advisable, and he shall report upon any matter that is referred to him by the Governing Council or the Executive Committee and upon such other matters as he considers advisable. 1947, c. 112, s. 75, *part, amended*.

CONVOCATION

Composition

6.—(1) There shall be a Convocation composed of the members of the Governing Council, committees appointed by the Governing Council, teaching and administrative staffs, students and alumni.

Calling
Convocation

(2) The Governing Council or the Chancellor may call a Convocation for such purpose as the Governing Council or the Chancellor, as the case may be, determines.

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(3) Convocation has power to consider the matter for which it was called and may make such representations thereon as as it determines. 1947, c. 112, ss. 51-61, *amended*.

GENERAL

University,
University
College, etc.,
continued

7. The provincial university, known as the University of Toronto, the provincial college, known as University College, and the several colleges, faculties and schools of the University are continued, and, subject to this Act, shall respectively continue to have, hold, possess and enjoy all the property, rights, powers and privileges that they now have, hold, possess or enjoy. 1947, c. 112, s. 2, *amended*.

Appoint-
ments,
statutes,
by-laws, etc.,
continued

8. All appointments in and statutes, by-laws, resolutions and regulations affecting the University and University College and each of them shall continue, subject to this Act. 1959, c. 103, s. 3, *amended*.

Councils
and Caput
continued
1947, c. 112

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(3) The following universities are federated with the University: Federated universities

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3. Emmanuel College of Victoria University.

(5) The following college is affiliated with the University: Affiliated colleges

1. St. Hilda's College, by reason of its having been affiliated with Trinity College when Trinity College became federated with the University.

(6) The Governing Council may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, that becomes an integral part of or federates or affiliates with any other university that has and exercises the powers of conferring any degrees other than those in theology. Removal of colleges

(7) If and when any university now or hereafter federated with the University ceases to be federated with it, every college that is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed College affiliated with federated university, dissolution of federation

when such federated university became federated with the University. 1947, c. 112, s. 5, *part, amended*.

Suspension
of degree-
conferring
powers during
federation

11.—(1) The power of conferring degrees, except in theology, of any university now or hereafter federated with the University is suspended and in abeyance but may be resumed by any such federated university if three years have elapsed from the date when its federation with the University took effect and, if after the lapse of such three years, one year's notice in writing of its intention to resume its degree-conferring power has been given to the Governing Council and such federated university ceases to be federated with the University at and after the expiry of the last-mentioned period.

Rights of
graduates
and under-
graduates
of federated
university

(2) The graduates and undergraduates in arts, science and law of a federated university and such graduates and undergraduates thereof in medicine as have passed their examinations in Ontario, so long as such federation continues, have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 1947, c. 112, s. 6 (3-5), *amended*.

Constituent
colleges

12. The constituent colleges of the University are,

- (a) Erindale College;
- (b) Innis College;
- (c) New College;
- (d) Scarborough College,

and any other colleges hereafter established by the Governing Council. *New*.

Religious
tests, etc.,
not required

13.—(1) No religious test shall be required of any member of the teaching staff, the administrative staff or any student, and no religious observances according to the forms of any religious denomination or sect shall be imposed on them or any of them.

Right of
federated
universities
and colleges
as to
religion

(2) Nothing in this section interferes with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline, but where a federated university or college declares itself to be non-denominational in character, subsection 1 applies to the federated university or college. 1947, c. 112, s. 7, *amended*.

PROPERTY

14. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any college, faculty, school or department thereof or otherwise in connection therewith, subject always to any trust affecting the property, is vested in the Governing Council. 1947, c. 112, s. 9, *amended*.

Property
vested
in trustees
transferred
to Governing
Council

15. All real property vested in the Governing Council shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 1947, c. 112, s. 11.

Application
of statute
of limitations
to property

16. The real property vested in the Governing Council or owned by or vested in any university or college federated with the University is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to any such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1947, c. 112, s. 13, *amended*.

Land vested
in Governing
Council, etc.,
not liable to
expropriation

17.—(1) The property vested in the Governing Council and any lands and premises leased to or occupied by the Governing Council are not liable to taxation for municipal or school purposes, but, except as mentioned in subsections 2 and 3 and unless otherwise by law exempt, the interest of every lessee under a lease from the Governing Council and every occupant other than the Governing Council of real property vested in the Governing Council is liable to taxation.

Exemption
of property
from
taxation,
exception as
to certain
lessees and
occupants

(2) The liability to taxation of the interest of a lessee or occupant mentioned in subsection 1 does not extend to the interest of a lessee or occupant,

Certain
lessees or
occupants
same as
Governing
Council

(a) who is a member of the teaching staff or the administrative staff of the University or University College;
or

(b) that is an association of students,

where such person or association is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of

Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office for the Registry Division of Toronto, and the interest of every such lessee or occupant is exempt from taxation to the same extent as the Governing Council is by subsection 1 exempt from taxation.

Certain
lands of
federated
bodies
exempt

(3) Those parts of the lots mentioned in subsection 2, which are now or hereafter may be owned, leased or occupied by a federated university or a federated college are also exempt from taxation in the same way and to the same extent as the real property vested in the Governing Council and lands and premises leased to or occupied by the Governing Council are by subsection 1 exempted from taxation. 1947, c. 112, s. 14, *amended*.

AUDITORS

Auditors
R.S.O. 1960,
c. 317

18. The Governing Council shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Governing Council at least once a year. 1947, c. 112, s. 37, *amended*.

ANNUAL FINANCIAL REPORT

Annual
financial
report

19.—(1) The Governing Council shall make a financial report annually to the Minister of University Affairs in such form and containing such information as the Minister may require.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1947, c. 112, s. 38, *amended*.

MISCELLANEOUS

First
election of
members of
Governing
Council

20. Notwithstanding anything in this Act, the Governors of the University of Toronto shall forthwith after this section is proclaimed to be in force, conduct the first election of members of the Governing Council under clauses *d*, *e*, *f* and *g* of subsection 2 of section 2 as if this Act were in force for such purpose, and the Governors shall be deemed to have and may exercise any power necessary or expedient for such purpose.

Repeal

21. The following are repealed:

1947, c. 112

1. *The University of Toronto Act, 1947.*

2. *The University of Toronto Amendment Act, 1953.* 1953, c. 107
3. *The University of Toronto Amendment Act, 1955.* 1955, c. 90
4. *The University of Toronto Amendment Act, 1958.* 1958, c. 119
5. *The University of Toronto Amendment Act, 1959.* 1959, c. 103
6. Section 30 of *The University of Guelph Act, 1964.* 1964, c. 120,
s. 30
7. *The University of Toronto Amendment Act, 1965.* 1965, c. 138

22. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

23. This Act may be cited as *The University of Toronto Act, 1971.* Short title

The University of Toronto Act, 1971

1st Reading

June 24th, 1971

2nd Reading

July 5th, 1971

3rd Reading

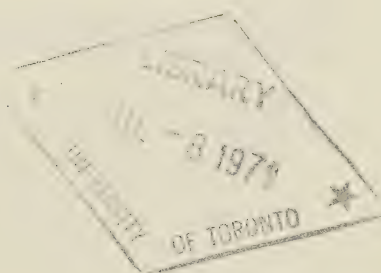
July 23rd, 1971

THE HON. JOHN WHITE
Minister of University Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Insurance Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

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EXPLANATORY NOTES

This Bill includes provision for no fault automobile insurance for persons injured or killed in automobile accidents. The terms and conditions implementing this are contained in Schedule E added by section 26 of the Bill which become part of every contract, and are supported by sections 14, 15, 16 and 17 (2) of the Bill.

SECTION 1. The amendments are complementary to amendments made by *The Corporations Amendment Act, 1971* deleting references to guarantee capital stock in respect of mutual corporations.

SECTION 2. The amendment permits new classifications of insurance for purposes of licensing.

SECTION 3. The amendment removes underwriters operating on the plan known as Lloyds who were so operating on the 30th day of June, 1971 from the provision prohibiting the issuance of a licence.

BILL 81

1971

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 11 of section 1 of *The Insurance Act* is amended by striking out “or with guarantee capital stock subject to repayment by the corporation, in respect of which the dividend rate is limited by its Act or instrument of incorporation” in the second, third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 190, s. 1,
par. 11,
amended

11. “cash-mutual corporation” means a corporation without share capital that is empowered to undertake insurance on both the cash plan and the mutual plan.

(2) Paragraph 42 of the said section 1 is amended by striking out “or with guarantee capital stock subject to repayment by the corporation, in respect of which the dividend rate is limited by its Act or instrument of incorporation” in the second, third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 190, s. 1,
par. 42,
amended

42. “mutual corporation” means a corporation without share capital that is empowered to undertake mutual insurance exclusively.

2. Subsection 2 of section 24 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 190, s. 24,
subs. 2,
re-enacted

(2) Subject to the provisions of the Parts of this Act that particularly relate to the classes of insurers mentioned in section 23, a licence may be granted to an insurer to carry on any one or more of the classes of insurance defined in section 1 or as are prescribed by the regulations made under subsection 1 of this section.

Licence to
carry on
insurance
business

3. Subsection 2 of section 29 of *The Insurance Act* is amended by inserting after “Lloyds” in the sixth line “not

R.S.O. 1960,
c. 190, s. 29,
subs. 2,
amended

licensed on the 30th day of June, 1971", so that the subsection shall read as follows:

Idem

- (2) A licence shall not be granted to a mutual insurance corporation, a cash-mutual insurance corporation, an insurance company mentioned in paragraph 6 of subsection 1 of section 23, a reciprocal or inter-insurance exchange, or to an underwriter or syndicate of underwriters operating on the plan known as Lloyds not licensed on the 30th day of June, 1971, except upon proof that the net surplus of assets over all liabilities exceeds the amount fixed by subsection 1 for the paid in capital stock of joint stock insurance companies, and that such net surplus of assets over all liabilities together with the contingent liability of members, if any, exceeds the amount fixed by subsection 1 for the subscribed and allotted capital stock of joint stock insurance companies for the respective classes of insurance mentioned therein.

R.S.O. 1960,
c. 190, s. 80a
(1970, c. 134,
s. 9) subs. 7,
amended

4. Subsection 7 of section 80a of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1970*, is amended by adding at the end thereof "but clause c of subsection 4 of section 357 applies to each separate and distinct fund as if the total assets of each such fund were the total assets of the insured", so that the subsection shall read as follows:

Exception
from
investment
limitations

- (7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses e and f of section 357 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account, but clause c of subsection 4 of section 357 applies to each separate and distinct fund as if the total assets of each such fund were the total assets of the insured.

R.S.O. 1960,
c. 190, s. 88,
subs. 3,
amended

5. Subsection 3 of section 88 of *The Insurance Act*, as amended by subsection 2 of section 8 of *The Insurance Amendment Act, 1964* and section 11 of *The Insurance Amendment Act, 1970*, is further amended by adding thereto the following clause:

(aa) amending or altering the terms, conditions, provisions, exclusions and limits set forth in Schedule E.

R.S.O. 1960,
c. 190, s. 119,
subs. 2
(1968-69, c. 53,
s. 7),
amended

6. Subsection 2 of section 119 of *The Insurance Act*, as re-enacted by section 7 of *The Insurance Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the fourth line, so that the subsection shall read as follows:

SECTION 4. The effect of the amendment is to require a life insurance company that has established a segregated fund to invest that fund in such a manner that not more than 10 per cent is invested in any one security or make a total investment in any one corporation in excess of that percentage.

SECTION 5. By reason of the inclusion of Schedule E with respect to mandatory medical and rehabilitation benefits and accident benefits the regulation-making power is extended to permit amendment to Schedule E by regulations.

SECTIONS 6, 7 and 8. See explanation to section 1 of the Bill.

SECTION 9. The provisions repealed dealt with cash mutual fire insurance corporations limiting the amount of premiums received in relation to the amount of the deposit with the Minister.

SECTION 10. The definition of "insured" in a contract of automobile insurance is amended so that it will include a person to whom medical expenses or accident benefits are payable under a motor vehicle liability policy and are particularly relevant to the no fault provisions for coverage set out in sections 14 and 15 and Schedule E, such as occupants of motor vehicles and pedestrians.

SECTION 11. The amendment establishes a standard owner's form of policy to be used by all insurers in general and a copy of the form is to be published in *The Ontario Gazette*. This is in lieu of the present standard automobile policy provisions approved by the Superintendent and allows the issue of a certificate of the policy as set out in section 12 of the Bill. This is uniform legislation adopted by the Association of Superintendents of Insurance for all the provinces of Canada.

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance, but a mutual insurance company, incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*. Insurance on premium note plan
R.S.O. 1960, c. 71

7. Subsection 4 of section 131 of *The Insurance Act*, as enacted by section 8 of *The Insurance Amendment Act, 1968-69*, is amended by striking out “without guarantee capital stock” in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 131, subs. 4, (1968-69, c. 53, s. 8), amended

- (4) A mutual insurance corporation incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132. Mutual insurance corporations

8. Subsection 4a of section 132 of *The Insurance Act*, as enacted by section 9 of *The Insurance Amendment Act, 1968-69*, is amended by striking out “without guarantee capital stock” in the first and second lines and in the seventh and eighth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 132, subs. 4a, (1968-69, c. 53, s. 9), amended

- (4a) No mutual insurance corporation incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance re weather insurance

9. Section 135 of *The Insurance Act* is repealed.

R.S.O. 1960, c. 190, s. 135, repealed

10. Clause *b* of section 198 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 198 (1966, c. 71, s. 11), cl. b, re-enacted

- (b) “insured” means a person insured by a contract whether named or not and includes any person who is stated in a contract to be entitled to benefits payable under the insurance mentioned in subsection 1 of section 226*b* and subsection 1 of section 226*c*, whether described therein as an insured person or not.

11. Section 200 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 190, s. 200 (1966, c. 71, s. 11), amended

Standard
owner's
policy

- (5a) The Superintendent may approve a form of owner's policy containing insuring agreements and provisions in conformity with this Part for use by insurers in general, and which, for the purposes of section 202 shall be the standard owner's policy.

Publication

- (5b) Where the Superintendent approves the form referred to in subsection 5a, he shall cause a copy of this form to be published in *The Ontario Gazette* but it is not necessary for him to publish in *The Ontario Gazette* endorsement forms approved for use with the standard owner's policy.

R.S.O. 1960,
c. 190, s. 202
(1966, c. 71,
s. 11),
subs. 3,
amended

12.—(1) Subsection 3 of section 202 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding at the commencement thereof "Subject to subsection 4a", so that the subsection shall read as follows:

Insured
entitled
to copy

- (3) Subject to subsection 4a, the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, the policy or a true copy thereof and every endorsement or other amendment to the contract.

R.S.O. 1960,
c. 190, s. 202
(1966, c. 71,
s. 11),
amended

(2) The said section 202 is amended by adding thereto the following subsections:

Certificate
of policy

- (4a) Where an insurer adopts the standard owner's policy, it may, instead of issuing the policy, issue a certificate in a form approved by the Superintendent which when issued is of the same force and effect as if it was in fact the standard owner's policy, subject to the limits and coverages shown thereon by the insurer and any endorsements issued concurrently therewith or subsequent thereto but, at the request of an insured at any time, the insurer shall provide a copy of the standard owner's policy wording as approved by the Superintendent.

Application

- (4b) Where a certificate is issued under subsection 4a, subsection 5 of this section, and subsection 2 of section 225, apply *mutatis mutandis*.

Proof of
terms of
policy

- (4c) Where an insurer issues a certificate under subsection 4a, proof of the terms of the policy may be given by production of a copy of *The Ontario Gazette* containing the form of standard owner's policy approved by the Superintendent.

SECTION 12. An insurer that has adopted the standard owner's policy form may issue a certificate of the form in lieu of the actual policy. This is uniform legislation adopted by the Association of Superintendents of Insurance for all the provinces of Canada.

SECTION 13. The amendment clarifies the definition of the exclusion of coverage for carrying passengers for compensation or hire by specifically stating that occasional and infrequent use by the insured for the transportation of children to or from school or school activities is not within the exclusion. This is uniform legislation adopted by the Association of Superintendents of Insurance for the provinces of Canada.

SECTIONS 14 and 15. The provisions with respect to medical expense and accident insurance benefits which were previously permissive are now made mandatory to the extent of the limits set forth in Schedule E effective as of January 1st, 1972. In addition, provision for rehabilitation benefits is now added to the benefits previously provided.

SECTION 16. The amendment clarifies as to which insurer pays accident benefits in particular situations where the injured party is the occupant of a motor vehicle or a pedestrian.

13. Subsection 4 of section 215 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out “or” at the end of clause *c*, amended by adding “or” at the end of clause *d* and by adding thereto the following clause:

- (e) the occasional and infrequent use by the insured of his automobile for the transportation of children to or from school or school activities conducted within the educational program.

14.—(1) Subsection 1 of section 226*b* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

- (1) Every contract evidenced by a motor vehicle liability policy shall provide the medical and rehabilitation benefits set forth in subsection 1 of Schedule E subject to the limits, terms and conditions set forth in Schedule E.

(2) Subsection 3 of the said section 226*b* is amended by striking out “clause *a* of” in the first line.

(3) Subsection 4 of the said section 226*b* is amended by striking out “clause *a* of” in the first line.

(4) Subsection 5 of the said section 226*b* is amended by striking out “clause *b* of” in the first line.

15.—(1) Subsection 1 of section 226*c* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

- (1) Every contract evidenced by a motor vehicle liability policy shall provide the death and total disability benefits set forth in subsection 2 of Schedule E in the terms, conditions, provisions and exclusions and subject to the limits as set forth in Schedule E.

(2) Subsections 3, 4 and 5 of the said section 226*c* are repealed.

16. *The Insurance Act* is amended by adding thereto the following section:

226*ea*—(1) Where a person entitled to benefits provided by insurance under section 226*b* and section 226*c* or either of them,

(a) is an occupant of a motor vehicle involved in an accident, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for payment of the benefits provided by the insurance; or

(b) is a pedestrian and is struck by a motor vehicle, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for the payment of the benefits provided by the insurance.

Idem

(2) Nothing in this section affects the operation of subsections 2 to 5 of section 226*b* and subsection 2 of section 226*c*.

R.S.O. 1960,
c. 190, s. 226*h*
(1966, c. 71,
s. 11),
re-enacted

17. Section 226*h* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

Claimant's
obligation
to inform

226*h*.—(1) Where any person makes a claim for damages in respect of bodily injury or death sustained by the person or any other person while driving or being carried in or upon or entering or getting onto or alighting from or as a result of being struck by an automobile, he shall furnish the person against whom the claim is made full particulars of all insurance available to the claimant under contracts falling within the scope of section 226*b* or 226*c*.

Release by
claimant of
benefits
under
Schedule E

(2) Where a claimant is entitled to the benefit of insurance as provided in Schedule E this, to the extent of payments made or available to the claimant thereunder, constitutes a release by the claimant of any claim against the person liable to the claimant or his insurer.

R.S.O. 1960,
c. 190, s. 226*i*
(1966, c. 71,
s. 11), cl. *a*,
amended

18.—(1) Clause *a* of section 226*i* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out "226*b* or 226*c*" in the second and third lines.

R.S.O. 1960,
c. 190, s. 226*i*
(1966, c. 71,
s. 11), cl. *b*,
amended

(2) Clause *b* of the said section 226*i* is amended by striking out "226*b* or 226*c*" in the second line.

R.S.O. 1960,
c. 190, s. 326,
subs. 1,
re-enacted

19. Subsection 1 of section 326 of *The Insurance Act* is repealed and the following substituted therefor:

SECTION 17. The amendment reaffirms that a claimant for medical expense and accident benefits disclose other insurance available to him. It also specifies that payments for such benefits under a motor vehicle liability policy is first loss insurance only. It does not preclude a claim in excess of the amounts of insurance provided for.

SECTION 18. The amendment is clarifying with respect to medical and accident benefits in a motor vehicle accident policy and limits the insurer's right to provide less extensive coverage to the mandatory provisions of sections 14 and 15 of the Bill.

SECTION 19. The amendment deals with the incorporation of insurance agents who now apply for incorporation under *The Business Corporations Act, 1970*. It requires the approval of the Superintendent of Insurance to the incorporation of an insurance agency to ensure that its objects are permissible before an application for licensing is made.

SECTION 20. The amendment clarifies the existing provisions with respect to the twisting of life insurance policies and misleading statements, and defines further "twisting" and adds to the definition of misleading statements and incomplete comparisons of contracts. The amendment further provides for regulations dealing with the replacement of one life insurance contract by another.

- (1) Licences as agents, brokers or adjusters may be issued to any corporation that is incorporated expressly for the purpose of acting as an insurance agent, broker or adjuster or for that and such other purposes as the Superintendent expressly approves of and where the corporation has been incorporated under *The Business Corporations Act, 1970* after the 30th day of June, 1971, the articles of incorporation shall have been approved by the Superintendent prior to incorporation.

Licences
to
corporations

1970, c. 25

20. Section 330 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 190, s. 330,
re-enacted

- 330.—(1) Any person who induces or attempts to induce, directly or indirectly, an insured to,

Twisting
life
insurance
prohibited

- (a) lapse;
- (b) surrender for cash paid up or extended insurance, or other valuable consideration; or
- (c) subject to substantial borrowing whether in a single loan or over a period of time,

any contract with one insurer of life insurance that contains provision for cash surrender and paid up values for the purpose of effecting a contract of life insurance with another insurer is guilty of an offence.

- (2) A person licensed as an agent for life insurance who,
- (a) makes a false and misleading statement or representation in the solicitation or registration of insurance; or
 - (b) who makes or delivers any incomplete comparison of any policy or contract of insurance with that of any other insurer in the solicitation or registration of insurance; or
 - (c) coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a professional or a business relationship or otherwise to give a preference with respect to the policy of life insurance that would not otherwise be given on the effecting of a life insurance contract,

Misleading
statements,
comparisons
or coercion
prohibited

is guilty of an offence.

Regulations
as to
replacement

(3) The Lieutenant Governor in Council may make regulations,

- (a) regulating the replacement of an existing life insurance contract by another contract of life insurance;
- (b) prescribing the duties of insurers and agents in connection with replacement of life insurance contracts.

R.S.O. 1960,
c. 190, s. 342
(1970, c. 134,
s. 16),
amended

21. Section 342 of *The Insurance Act*, as re-enacted by section 16 of *The Insurance Amendment Act, 1970*, is amended by striking out "In this Part" in the first line and inserting in lieu thereof "In sections 343 to 352", so that the said section shall read as follows:

Interpreta-
tion

342. In sections 343 to 352, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer or assignment or as a result of amalgamation of the insurers.

R.S.O. 1960,
c. 190,
amended

22. *The Insurance Act* is amended by adding thereto the following section:

Interpreta-
tion

352a.—(1) In this section, "reinsurance" means an agreement whereby a class or group of contracts that includes contracts made in Ontario by a licensed insurer are undertaken or reinsured by another insurer either by novation, transfer, or assignment or as a result of amalgamation of insurers but does not include a contract of reinsurance of individual risks made by insurers in the ordinary course of business.

Agreement
in writing

(2) An agreement for reinsurance shall be evidenced by an instrument in writing setting forth in full the terms and conditions of such reinsurance but no agreement with respect to contracts made in Ontario shall be entered into until the approval of the Superintendent has been obtained.

Notice to
policyholders

(3) Upon the approval of the Superintendent to an agreement for reinsurance under this section, notice thereof, together with a statement of the nature and terms of the agreement for reinsurance, in a form satisfactory to the Superintendent shall be served on all policy-

SECTIONS 21 and 22. The provisions with respect to reinsurance of Ontario contracts are further defined in the case of an Ontario insurance company in that reinsurance of an Ontario contract not in the ordinary course of business requires the approval of the Lieutenant Governor in Council. In the case of an other than Ontario insurance corporation licensed in Ontario, the reinsurance of an Ontario contract requires the approval of the Superintendent of Insurance and a statutory notice to all policyholders.

SECTIONS 23 and 24. The amendment clarifies the application of the authorized investments and restrictions for Ontario insurers by providing that the broad extended powers of investment for such insurers apply only to a mutual insurance corporation licensed to transact the business of life insurance and whereas other mutual companies may only invest subject to the more restrictive investment powers set forth in the Act.

SECTION 25. The amendment clarifies the application of the prohibited investment provisions as of the date of Royal Assent to *The Insurance Amendment Act, 1970*.

SECTION 26. The Schedule sets forth the provisions of the standard motor vehicle liability policy that are made mandatory for inclusion in all such contracts and are payable regardless of fault.

holders in Ontario that may be reinsured thereunder, by being sent by mail to the last known address of each such policyholder.

23. Section 354 of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1970*, is amended by adding after "corporation" in the fourth line "licensed to write life insurance", so that the section shall read as follows: R.S.O. 1960,
c. 190, s. 354
(1970, c. 134,
s. 17),
amended

354. In this Part, "insurer" means an insurer incorporated or organized under the laws of Ontario and in section 355 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation licensed to write life insurance and a cash-mutual insurance corporation. Interpreta-
tion

24. Section 356 of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1970*, is amended by inserting after "corporation" in the second and third lines "licensed to write life insurance", so that the section shall read as follows: R.S.O. 1960,
c. 190, s. 356
(1970, c. 134,
s. 17), amended

356. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation licensed to write life insurance or a cash-mutual insurance corporation, may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 355 and may lend its funds on the security of any such securities. Investments
of other
insurers

25. Subsection 1 of section 358 of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1970*, is amended by inserting after "investment" in the first and second lines "after the 13th day of November, 1970", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 190, s. 358
(1970, c. 134,
s. 17), subs. 1,
amended

- (1) An insurer shall not knowingly make an investment after the 13th day of November, 1970, other than an investment loan on the security of a policy of life insurance issued by it, Prohibited
loans and
investments

26. *The Insurance Act* is amended by adding thereto the following Schedule: R.S.O. 1960,
c. 190,
amended

SCHEDULE E

MANDATORY MEDICAL AND REHABILITATION BENEFITS, AND ACCIDENT BENEFITS IN MOTOR VEHICLE LIABILITY POLICIES

ACCIDENT BENEFITS SECTION

The Insurer agrees to pay to or with respect to each insured person as defined in this Section who sustains bodily injury or death, directly and independently of all other causes, by an accident arising out of the use or operation of an automobile:

SUBSECTION 1—MEDICAL AND REHABILITATION BENEFITS

1. All reasonable expenses incurred within four years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing, and ambulance service and, in addition, for such other services and supplies which are, in the opinion of the insured person's attending physician and that of the Insurer's medical advisor, essential for the treatment or rehabilitation of said person, to the limit of \$5,000.00 per person.

2. Funeral services up to the amount of \$500.00 in respect to the death of any one person.

The Insurer shall not be liable under this Subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental, or hospitalization plan or law or, except for similar insurance provided under another automobile insurance contract, under any other insurance contract or certificate issued to or for the benefit of, any insured person.

SUBSECTION 2—DEATH AND TOTAL DISABILITY

Part I—Death Benefits

A. Subject to the provisions of this Part I, for death which ensues within 180 days of the accident or within 104 weeks of the accident if there has been continuous total disability during that period, a payment—based on the age and status at the date of the accident of the deceased in a household where spouse or dependants survive—of the following amount:

Age of Deceased at Date of Accident	Status of Deceased		
	Head of Household	Spouse in Two-parent Households	Dependent Children
Under 5 years	—	—	\$ 500.
5 years but under 10 years	—	—	1,000.
10 years but under 21 years	\$5,000.	\$2,500.	1,000.
21 years and over	5,000.	2,500.	—

In addition, with respect to death of head of household, where there are two or more survivors—spouse or dependants—the principal sum payable is increased \$1,000. for each survivor other than the first.

B. For the purposes of this Part I,

- (1) the spouse of head of household shall be deemed to be the spouse with the lesser income in the year preceding the date of death;
- (2) a deceased person whose only surviving dependants are parents of such a person shall be deemed a head of household if such parents, at the date of accident, were residing in the same dwelling premises as the deceased person and were principally dependent upon him for financial support;
- (3) the words "dependent child" as used herein shall mean a child,
 - (a) under the age of 21 years for whose support the head of household is legally liable and who is dependent upon the head of household for financial support; or

- (b) 21 years of age or over who, because of mental or physical infirmity, is wholly dependent upon the head of household for financial support.
- (4) the total amount payable shall be paid with respect to death of head of household or spouse to the surviving spouse. If there is no surviving spouse in the household, no amount shall be payable unless there are surviving dependent children or dependent parents, as defined in (2) and (3) above, and in that event the total sum payable shall be divided equally among the surviving dependants in the household;
- (5) the total amount payable with respect to death due to a common disaster of head of household and spouse shall be divided equally between surviving dependent children or dependent parents;
- (6) the amount payable with respect to the death of a dependent child shall be divided equally between the surviving parents; if no parent survives no amount shall be payable;
- (7) amounts payable under this Part I shall be paid only to a person who is alive 30 days after the death of the insured person.

Part II—Total Disability

A weekly benefit for the period during which the injury shall wholly and continuously disable such insured person; provided,

- (a) such person was employed at the date of the accident;
- (b) within 20 days from the date of the accident such injury prevents him from performing any and every duty pertaining to his occupation or employment;
- (c) no benefit shall be payable for any period in excess of 104 weeks except that if, at the end of the 104 week period, it has been established that such injury permanently and totally disabled such person from engaging in any occupation or employment for which he is reasonably suited by education, training or experience, the Insurer agrees to pay such weekly benefit for the duration of such disability;
- (d) any such weekly benefit will be reduced by the amount of the Old Age Pension and any retirement pension under the Canada Pensions Plan, as established when the insured person first became eligible therefor.

Amount of Weekly Benefit—The weekly benefit payable shall be at the rate of 80 per cent of the gross weekly earnings, subject to a maximum of \$70 per week.

The above benefits shall be subject to the terms of clause (3) below.

For the purposes of this Part II,

- (1) a principal unpaid housekeeper residing in the household and not otherwise engaged in occupation or employment for wages or profit, if injured, shall be deemed disabled only if completely incapacitated and unable to perform any of his or her household duties and, while so incapacitated, shall receive a benefit at the rate of \$35 per week for not more than 12 weeks;

- (2) a person shall be deemed to be employed,
 - (a) if actively engaged in occupation or employment for wages or profit at the date of the accident; or
 - (b) if 21 years of age or over and under the age of 65 years, so engaged for any six months out of the preceding 12 months;
- (3) except for the first two weeks of disability where the benefits for loss of time payable hereunder, together with benefits for loss of time under another contract, including a contract of group accident insurance and a life insurance contract providing disability insurance, exceed the money value of the time of the insured person, the Insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts.

SUBSECTION 3—SPECIAL PROVISIONS, DEFINITIONS, AND
EXCLUSIONS OF THIS SECTION

(1) *“Insured person” defined*

In this Section, the words “insured person” mean,

- (a) any person while an occupant of the described automobile or of a newly acquired or temporary substitute automobile as defined in this policy;
- (b) the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either while an occupant of any other automobile; provided that,
 - (i) the insured is an individual or are husband and wife;
 - (ii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (iii) such other automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the insured;
 - (iv) such other automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the insured.
 - (v) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery;
- (c) in Subsections 1 and 2 of this Section only, any person, not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck, in Canada, by the described automobile or a newly acquired or temporary substitute automobile as defined in the policy;
- (d) in Subsections 1 and 2 of this Section only, the named insured, if an individual and his or her spouse and any dependent relative residing in the same dwelling premises as

the named insured, not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck by any other automobile; provided that,

- (i) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (ii) that automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the named insured;
 - (iii) that automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the named insured;
- (e) if the insured is a corporation, unincorporated association, or partnership, any employee or partner of the insured for whose regular use the described automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while an occupant of any other automobile of the private passenger or station wagon type; and
- (f) in Subsections 1 and 2 of this Section only, any employee or partner of the insured, for whose regular use the described automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck by any other automobile; provided that,

in respect of (e) and (f) above,

- (i) neither such employee nor partner or his or her spouse is the owner of an automobile of the private passenger or station wagon type;
- (ii) the described automobile is of the private passenger or station wagon type;
- (iii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
- (iv) such other automobile is not owned or regularly or frequently used by the employee or partner, or by any person or persons residing in the same dwelling premises as such employee or partner;
- (v) such other automobile is not owned, hired, or leased by the insured or by an employer of any person or persons residing in the same dwelling premises as such employee or partner of the insured;

in respect of (e) above only,

- (vi) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery.

(2) *Exclusions*

- (a) The Insurer shall not be liable under this Section for bodily injury to or death of any person,
 - (i) resulting from the suicide of such person or attempt thereat, whether sane or insane; or
 - (ii) who is entitled to receive the benefits of any workmen's compensation law or plan; or
 - (iii) caused directly or indirectly by radioactive material;
- (b) The Insurer shall not be liable under Subsection 1 or Part II of Subsection 2 of this Section for bodily injury or death,
 - (i) sustained by any person who is convicted of drunken or impaired driving or of driving while under the influence of drugs at the time of the accident; or
 - (ii) sustained by any person driving the automobile who is not for the time being either authorized by law or qualified to drive the automobile.

(3) *Notice and proof of claim*

The insured person or his agent, or the person otherwise entitled to make claim or his agent, shall,

- (a) give written notice of claim to the Insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the Insurer in the Province, not later than 30 days from the date of the accident;
- (b) within 90 days from the date of the accident for which the claim is made, furnish to the Insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby;
- (c) if so required by the Insurer, furnish a certificate as to the cause and nature of the accident for which the claim is made and as to the duration of the disability caused thereby from a medical practitioner legally qualified to practise.

(4) *Medical reports*

The Insurer has the right and the claimant shall afford to the Insurer, an opportunity to examine the person of the insured person when and as often as it reasonably requires while the claim is pending, and also, in the case of the death of the insured person, to make an autopsy subject to the law relating to autopsies.

(5) *"Attending physician" defined*

"Attending physician" shall mean a person who legally engages in the practice of medicine or surgery, or both.

(6) *Release*

Notwithstanding any release provided for under the relevant sections of *The Insurance Act* the Insurer may demand, as a con-

dition precedent to payment of any amount under this Section of the policy, a release in favour of the insured and the Insurer from liability to the extent of such payment from the insured person or his personal representative or any other person.

(7) *When moneys payable*

- (a) All amounts payable under this Section, other than benefits under Part II of Subsection 2, shall be paid by the Insurer within 30 days after it has received proof of claim. The initial benefits for loss of time under Part II of Subsection 2 shall be paid within 30 days after it has received proof of claim, and payments shall be made thereafter within each 30-day period while the Insurer remains liable for payments if the insured person, whenever required to do so, furnishes prior to payment proof of continuing disability.
- (b) No person shall bring an action to recover the amount of a claim under this Section unless the requirements of provisions 3 and 4 of this Subsection are complied with, nor until the amount of the loss has been ascertained as provided in this Section.
- (c) Every action or proceeding against the Insurer for the recovery of a claim under this Section shall be commenced within one year from the date on which the cause of action arose and not afterwards.

In so far as applicable the general provisions, definitions, exclusions and statutory conditions of the policy also apply.

27. Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies, ^{Application of sections 14, 15}

- (a) made or renewed before and subsisting when this Act receives Royal Assent; or
- (b) made or renewed after this Act receives Royal Assent and before the 1st day of January, 1972,

shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E.

28.—(1) This Act, except sections 2 and 13, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Sections 2 and 13 come into force on a day to be named ^{Idem} by the Lieutenant Governor by his proclamation.

29. This Act may be cited as *The Insurance Amendment Act, 1971*. ^{Short title}

An Act to amend
The Insurance Act

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

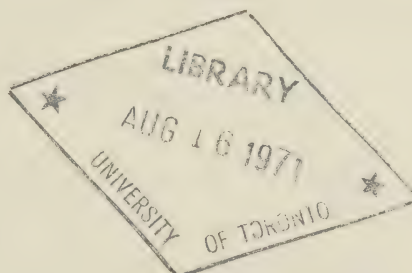
THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Insurance Act

THE HON. ARTHUR A. WISHART
Minister of Financial and Commercial Affairs



TORONTO

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BILL 81

1971

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 11 of section 1 of *The Insurance Act* is amended by striking out “or with guarantee capital stock subject to repayment by the corporation, in respect of which the dividend rate is limited by its Act or instrument of incorporation” in the second, third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 190, s. 1,
par. 11,
amended

11. “cash-mutual corporation” means a corporation without share capital that is empowered to undertake insurance on both the cash plan and the mutual plan.

(2) Paragraph 42 of the said section 1 is amended by striking out “or with guarantee capital stock subject to repayment by the corporation, in respect of which the dividend rate is limited by its Act or instrument of incorporation” in the second, third, fourth and fifth lines, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 190, s. 1,
par. 42,
amended

42. “mutual corporation” means a corporation without share capital that is empowered to undertake mutual insurance exclusively.

2. Subsection 2 of section 24 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 190, s. 24,
subs. 2,
re-enacted

(2) Subject to the provisions of the Parts of this Act that particularly relate to the classes of insurers mentioned in section 23, a licence may be granted to an insurer to carry on any one or more of the classes of insurance defined in section 1 or as are prescribed by the regulations made under subsection 1 of this section.

Licence to
carry on
insurance
business

3. Subsection 2 of section 29 of *The Insurance Act* is amended by inserting after “Lloyds” in the sixth line “not

R.S.O. 1960,
c. 190, s. 29,
subs. 2,
amended

licensed on the 30th day of June, 1971", so that the subsection shall read as follows:

Idem

- (2) A licence shall not be granted to a mutual insurance corporation, a cash-mutual insurance corporation, an insurance company mentioned in paragraph 6 of subsection 1 of section 23, a reciprocal or inter-insurance exchange, or to an underwriter or syndicate of underwriters operating on the plan known as Lloyds not licensed on the 30th day of June, 1971, except upon proof that the net surplus of assets over all liabilities exceeds the amount fixed by subsection 1 for the paid in capital stock of joint stock insurance companies, and that such net surplus of assets over all liabilities together with the contingent liability of members, if any, exceeds the amount fixed by subsection 1 for the subscribed and allotted capital stock of joint stock insurance companies for the respective classes of insurance mentioned therein.

R.S.O. 1960,
c. 190, s. 80a
(1970, c. 134,
s. 9) subs. 7,
amended

4. Subsection 7 of section 80a of *The Insurance Act*, as re-enacted by section 9 of *The Insurance Amendment Act, 1970*, is amended by adding at the end thereof "but clause c of subsection 4 of section 357 applies to each separate and distinct fund as if the total assets of each such fund were the total assets of the insured", so that the subsection shall read as follows:

Exception
from
investment
limitations

- (7) Where a separate and distinct fund is maintained under subsection 1, the percentage limits specified in clauses e and f of section 357 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the insurer as a whole the assets of any such separate fund shall not be taken into account, but clause c of subsection 4 of section 357 applies to each separate and distinct fund as if the total assets of each such fund were the total assets of the insured.

R.S.O. 1960,
c. 190, s. 88,
subs. 3,
amended

5. Subsection 3 of section 88 of *The Insurance Act*, as amended by subsection 2 of section 8 of *The Insurance Amendment Act, 1964* and section 11 of *The Insurance Amendment Act, 1970*, is further amended by adding thereto the following clause:

- (aa) amending or altering the terms, conditions, provisions, exclusions and limits set forth in Schedule E.

R.S.O. 1960,
c. 190, s. 119,
subs. 2
(1968-69, c. 53,
s. 7),
amended

6. Subsection 2 of section 119 of *The Insurance Act*, as re-enacted by section 7 of *The Insurance Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the fourth line, so that the subsection shall read as follows:

- (2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance, but a mutual insurance company, incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan, may also insure for the classes of insurance as specified in subsection 13 of section 151 of *The Corporations Act*. Insurance on premium note plan
R.S.O. 1960, c. 71

7. Subsection 4 of section 131 of *The Insurance Act*, as enacted by section 8 of *The Insurance Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the first and second lines, so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 131, subs. 4 (1968-69, c. 53, s. 8), amended

- (4) A mutual insurance corporation incorporated under subsection 3 of section 150 of *The Corporations Act* shall be deemed to be an insurer of the same class under subsection 1 and under subsection 4 of section 132. Mutual insurance corporations

8. Subsection 4a of section 132 of *The Insurance Act*, as enacted by section 9 of *The Insurance Amendment Act, 1968-69*, is amended by striking out "without guarantee capital stock" in the first and second lines and in the seventh and eighth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 190, s. 132, subs. 4a (1968-69, c. 53, s. 9), amended

- (4a) No mutual insurance corporation incorporated to transact fire insurance on the premium note plan shall undertake contracts of weather insurance unless all liability for loss in excess of \$100 on any risk covered by weather insurance is reinsured with a licensed weather company or a mutual insurance corporation incorporated pursuant to subsection 3 of section 150 of *The Corporations Act*. Reinsurance re weather insurance

9. Section 135 of *The Insurance Act* is repealed. R.S.O. 1960, c. 190, s. 135, repealed

10. Clause *b* of section 198 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 190, s. 198 (1966, c. 71, s. 11), cl. b, re-enacted

- (*b*) "insured" means a person insured by a contract whether named or not and includes any person who is stated in a contract to be entitled to benefits payable under the insurance mentioned in subsection 1 of section 226*b* and subsection 1 of section 226*c*, whether described therein as an insured person or not.

11. Section 200 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding thereto the following subsections: R.S.O. 1960, c. 190, s. 200 (1966, c. 71, s. 11), amended

Standard
owner's
policy

- (5a) The Superintendent may approve a form of owner's policy containing insuring agreements and provisions in conformity with this Part for use by insurers in general, and which, for the purposes of section 202 shall be the standard owner's policy.

Publication

- (5b) Where the Superintendent approves the form referred to in subsection 5a, he shall cause a copy of this form to be published in *The Ontario Gazette* but it is not necessary for him to publish in *The Ontario Gazette* endorsement forms approved for use with the standard owner's policy.

R.S.O. 1960,
c. 190, s. 202
(1966, c. 71,
s. 11),
subs. 3,
amended

12.—(1) Subsection 3 of section 202 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by adding at the commencement thereof "Subject to subsection 4a", so that the subsection shall read as follows:

Insured
entitled
to copy

- (3) Subject to subsection 4a, the insurer shall deliver or mail to the insured named in the policy, or to the agent for delivery or mailing to the insured, the policy or a true copy thereof and every endorsement or other amendment to the contract.

R.S.O. 1960,
c. 190, s. 202
(1966, c. 71,
s. 11),
amended

(2) The said section 202 is amended by adding thereto the following subsections:

Certificate
of policy

- (4a) Where an insurer adopts the standard owner's policy, it may, instead of issuing the policy, issue a certificate in a form approved by the Superintendent which when issued is of the same force and effect as if it was in fact the standard owner's policy, subject to the limits and coverages shown thereon by the insurer and any endorsements issued concurrently therewith or subsequent thereto but, at the request of an insured at any time, the insurer shall provide a copy of the standard owner's policy wording as approved by the Superintendent.

Application

- (4b) Where a certificate is issued under subsection 4a, subsection 5 of this section, and subsection 2 of section 225, apply *mutatis mutandis*.

Proof of
terms of
policy

- (4c) Where an insurer issues a certificate under subsection 4a, proof of the terms of the policy may be given by production of a copy of *The Ontario Gazette* containing the form of standard owner's policy approved by the Superintendent.

13. Subsection 4 of section 215 of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out “or” at the end of clause *c*, amended by adding “or” at the end of clause *d* and by adding thereto the following clause:

- (e) the occasional and infrequent use by the insured of his automobile for the transportation of children to or from school or school activities conducted within the educational program.

14.—(1) Subsection 1 of section 226*b* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

- (1) Every contract evidenced by a motor vehicle liability policy shall provide the medical and rehabilitation benefits set forth in subsection 1 of Schedule E subject to the limits, terms and conditions set forth in Schedule E.

(2) Subsection 3 of the said section 226*b* is amended by striking out “clause *a* of” in the first line.

(3) Subsection 4 of the said section 226*b* is amended by striking out “clause *a* of” in the first line.

(4) Subsection 5 of the said section 226*b* is amended by striking out “clause *b* of” in the first line.

15.—(1) Subsection 1 of section 226*c* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

- (1) Every contract evidenced by a motor vehicle liability policy shall provide the death and total disability benefits set forth in subsection 2 of Schedule E in the terms, conditions, provisions and exclusions and subject to the limits as set forth in Schedule E.

(2) Subsections 3, 4 and 5 of the said section 226*c* are repealed.

16. *The Insurance Act* is amended by adding thereto the following section:

226*ea*—(1) Where a person entitled to benefits provided by insurance under section 226*b* and section 226*c* or either of them,

R.S.O. 1960,
c. 190, s. 215
(1966, c. 71,
s. 11), subs. 4,
amended

R.S.O. 1960,
c. 190, s. 226*b*
(1966, c. 71,
s. 11), subs. 1,
re-enacted

Medical and
rehabilitation
benefits

R.S.O. 1960,
c. 190, s. 226*b*
(1966, c. 71,
s. 11), subs. 3,
amended

R.S.O. 1960,
c. 190, s. 226*b*
(1966, c. 71,
s. 11), subs. 4,
amended

R.S.O. 1960,
c. 190, s. 226*b*
(1966, c. 71,
s. 11), subs. 5,
amended

R.S.O. 1960,
c. 190, s. 226*c*
(1966, c. 71,
s. 11), subs. 1,
re-enacted

Accident
benefits

R.S.O. 1960,
c. 190, s. 226*c*
(1966, c. 71,
s. 11), subs. 3-5,
repealed

R.S.O. 1960,
c. 190,
amended

First
liability

(a) is an occupant of a motor vehicle involved in an accident, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for payment of the benefits provided by the insurance; or

(b) is a pedestrian and is struck by a motor vehicle, the insurer of the owner of the motor vehicle shall, in the first instance, be liable for the payment of the benefits provided by the insurance.

Idem

(2) Nothing in this section affects the operation of subsections 2 to 5 of section 226*b* and subsection 2 of section 226*c*.

R.S.O. 1960,
c. 190, s. 226*h*
(1966, c. 71,
s. 11),
re-enacted

17. Section 226*h* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is repealed and the following substituted therefor:

Claimant's
obligation
to inform

226*h*.—(1) Where any person makes a claim for damages in respect of bodily injury or death sustained by the person or any other person while driving or being carried in or upon or entering or getting onto or alighting from or as a result of being struck by an automobile, he shall furnish the person against whom the claim is made full particulars of all insurance available to the claimant under contracts falling within the scope of section 226*b* or 226*c*.

Release by
claimant of
benefits
under
Schedule E

(2) Where a claimant is entitled to the benefit of insurance as provided in Schedule E this, to the extent of payments made or available to the claimant thereunder, constitutes a release by the claimant of any claim against the person liable to the claimant or his insurer.

R.S.O. 1960,
c. 190, s. 226*i*
(1966, c. 71,
s. 11), cl. *a*,
amended

18.—(1) Clause *a* of section 226*i* of *The Insurance Act*, as enacted by section 11 of *The Insurance Amendment Act, 1966*, is amended by striking out “226*b* or 226*c*” in the second and third lines.

R.S.O. 1960,
c. 190, s. 226*i*
(1966, c. 71,
s. 11), cl. *b*,
amended

(2) Clause *b* of the said section 226*i* is amended by striking out “226*b* or 226*c*” in the second line.

R.S.O. 1960,
c. 190, s. 326,
subs. 1,
re-enacted

19. Subsection 1 of section 326 of *The Insurance Act* is repealed and the following substituted therefor:

- (1) Licences as agents, brokers or adjusters may be issued to any corporation that is incorporated expressly for the purpose of acting as an insurance agent, broker or adjuster or for that and such other purposes as the Superintendent expressly approves of and where the corporation has been incorporated under *The Business Corporations Act, 1970* after the 30th day of June, 1971, the articles of incorporation shall have been approved by the Superintendent prior to incorporation.

Licences
to
corporations

1970, c. 25

20. Section 330 of *The Insurance Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 190, s. 330,
re-enacted

- 330.—(1) Any person who induces or attempts to induce, directly or indirectly, an insured to,

Twisting
life
insurance
prohibited

(a) lapse;

(b) surrender for cash paid up or extended insurance, or other valuable consideration; or

(c) subject to substantial borrowing whether in a single loan or over a period of time,

any contract with one insurer of life insurance that contains provision for cash surrender and paid up values for the purpose of effecting a contract of life insurance with another insurer is guilty of an offence.

- (2) A person licensed as an agent for life insurance who,
- (a) makes a false and misleading statement or representation in the solicitation or registration of insurance; or
- (b) who makes or delivers any incomplete comparison of any policy or contract of insurance with that of any other insurer in the solicitation or registration of insurance; or
- (c) coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a professional or a business relationship or otherwise to give a preference with respect to the policy of life insurance that would not otherwise be given on the effecting of a life insurance contract,

Misleading
statements,
comparisons
or coercion
prohibited

is guilty of an offence.

Regulations
as to
replacement

(3) The Lieutenant Governor in Council may make regulations,

(a) regulating the replacement of an existing life insurance contract by another contract of life insurance;

(b) prescribing the duties of insurers and agents in connection with replacement of life insurance contracts.

R.S.O. 1960,
c. 190, s. 342
(1970, c. 134,
s. 16),
amended

21. Section 342 of *The Insurance Act*, as re-enacted by section 16 of *The Insurance Amendment Act, 1970*, is amended by striking out "In this Part" in the first line and inserting in lieu thereof "In sections 343 to 352", so that the said section shall read as follows:

Interpreta-
tion

342. In sections 343 to 352, "reinsurance" means an agreement whereby contracts made in Ontario by a licensed insurer incorporated or organized under the laws of Ontario or any class or group of such contracts are undertaken or reinsured by another insurer either by novation, transfer or assignment or as a result of amalgamation of the insurers.

R.S.O. 1960,
c. 190,
amended

22. *The Insurance Act* is amended by adding thereto the following section:

Interpreta-
tion

352a.—(1) In this section, "reinsurance" means an agreement whereby a class or group of contracts that includes contracts made in Ontario by a licensed insurer are undertaken or reinsured by another insurer either by novation, transfer, or assignment or as a result of amalgamation of insurers but does not include a contract of reinsurance of individual risks made by insurers in the ordinary course of business.

Agreement
in writing

(2) An agreement for reinsurance shall be evidenced by an instrument in writing setting forth in full the terms and conditions of such reinsurance but no agreement with respect to contracts made in Ontario shall be entered into until the approval of the Superintendent has been obtained.

Notice to
policyholders

(3) Upon the approval of the Superintendent to an agreement for reinsurance under this section, notice thereof, together with a statement of the nature and terms of the agreement for reinsurance, in a form satisfactory to the Superintendent shall be served on all policy-

holders in Ontario that may be reinsured thereunder, by being sent by mail to the last known address of each such policyholder.

23. Section 354 of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1970*, is amended by adding after "corporation" in the fourth line "licensed to write life insurance", so that the section shall read as follows:

R.S.O. 1960,
c. 190, s. 354
(1970, c. 134,
s. 17),
amended

354. In this Part, "insurer" means an insurer incorporated or organized under the laws of Ontario and in section 355 includes only a joint stock insurance company, a fraternal society, a mutual insurance corporation licensed to write life insurance and a cash-mutual insurance corporation.

Interpreta-
tion

24. Section 356 of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1970*, is amended by inserting after "corporation" in the second and third lines "licensed to write life insurance", so that the section shall read as follows:

R.S.O. 1960,
c. 190, s. 356
(1970, c. 134,
s. 17) amended

356. An insurer who is not a joint stock insurance company, a fraternal society, a mutual insurance corporation licensed to write life insurance or a cash-mutual insurance corporation, may invest its funds in securities described in clauses *a* to *l* and clauses *o* and *p* of subsection 1 of section 355 and may lend its funds on the security of any such securities.

Investments
of other
insurers

25. Subsection 1 of section 358 of *The Insurance Act*, as enacted by section 17 of *The Insurance Amendment Act, 1970*, is amended by inserting after "investment" in the first and second lines "after the 13th day of November, 1970", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 190, s. 358
(1970, c. 134,
s. 17), subs. 1,
amended

- (1) An insurer shall not knowingly make an investment, after the 13th day of November, 1970, other than a loan on the security of a policy of life insurance issued by it,

Prohibited
loans and
investments

26. *The Insurance Act* is amended by adding thereto the following Schedule:

R.S.O. 1960,
c. 190,
amended

SCHEDULE E

MANDATORY MEDICAL AND REHABILITATION BENEFITS, AND ACCIDENT BENEFITS IN MOTOR VEHICLE LIABILITY POLICIES

ACCIDENT BENEFITS SECTION

The Insurer agrees to pay to or with respect to each insured person as defined in this Section who sustains bodily injury or death, directly and independently of all other causes, by an accident arising out of the use or operation of an automobile:

SUBSECTION 1—MEDICAL AND REHABILITATION BENEFITS

1. All reasonable expenses incurred within four years from the date of the accident as a result of such injury for necessary medical, surgical, dental, hospital, professional nursing, and ambulance service and, in addition, for such other services and supplies which are, in the opinion of the insured person's attending physician and that of the Insurer's medical advisor, essential for the treatment or rehabilitation of said person, to the limit of \$5,000.00 per person.

2. Funeral services up to the amount of \$500.00 in respect to the death of any one person.

The Insurer shall not be liable under this Subsection for those portions of such expenses payable or recoverable under any medical, surgical, dental, or hospitalization plan or law or, except for similar insurance provided under another automobile insurance contract, under any other insurance contract or certificate issued to or for the benefit of, any insured person.

SUBSECTION 2—DEATH AND TOTAL DISABILITY

Part I—Death Benefits

A. Subject to the provisions of this Part I, for death which ensues within 180 days of the accident or within 104 weeks of the accident if there has been continuous total disability during that period, a payment—based on the age and status at the date of the accident of the deceased in a household where spouse or dependants survive—of the following amount:

Age of Deceased at Date of Accident	Status of Deceased		
	Head of Household	Spouse in Two-parent Households	Dependent Children
Under 5 years	—	—	\$ 500.
5 years but under 10 years	—	—	1,000.
10 years but under 21 years	\$5,000.	\$2,500.	1,000.
21 years and over	5,000.	2,500.	—

In addition, with respect to death of head of household, where there are two or more survivors—spouse or dependants—the principal sum payable is increased \$1,000. for each survivor other than the first.

B. For the purposes of this Part I,

- (1) the spouse of head of household shall be deemed to be the spouse with the lesser income in the year preceding the date of death;
- (2) a deceased person whose only surviving dependants are parents of such a person shall be deemed a head of household if such parents, at the date of accident, were residing in the same dwelling premises as the deceased person and were principally dependent upon him for financial support;
- (3) the words "dependent child" as used herein shall mean a child,
 - (a) under the age of 21 years for whose support the head of household is legally liable and who is dependent upon the head of household for financial support; or

- (b) 21 years of age or over who, because of mental or physical infirmity, is wholly dependent upon the head of household for financial support.
- (4) the total amount payable shall be paid with respect to death of head of household or spouse to the surviving spouse. If there is no surviving spouse in the household, no amount shall be payable unless there are surviving dependent children or dependent parents, as defined in (2) and (3) above, and in that event the total sum payable shall be divided equally among the surviving dependants in the household;
- (5) the total amount payable with respect to death due to a common disaster of head of household and spouse shall be divided equally between surviving dependent children or dependent parents;
- (6) the amount payable with respect to the death of a dependent child shall be divided equally between the surviving parents; if no parent survives no amount shall be payable;
- (7) amounts payable under this Part I shall be paid only to a person who is alive 30 days after the death of the insured person.

Part II—Total Disability

A weekly benefit for the period during which the injury shall wholly and continuously disable such insured person; provided,

- (a) such person was employed at the date of the accident;
- (b) within 20 days from the date of the accident such injury prevents him from performing any and every duty pertaining to his occupation or employment;
- (c) no benefit shall be payable for any period in excess of 104 weeks except that if, at the end of the 104 week period, it has been established that such injury permanently and totally disabled such person from engaging in any occupation or employment for which he is reasonably suited by education, training or experience, the Insurer agrees to pay such weekly benefit for the duration of such disability;
- (d) any such weekly benefit will be reduced by the amount of the Old Age Pension and any retirement pension under the Canada Pensions Plan, as established when the insured person first became eligible therefor.

Amount of Weekly Benefit—The weekly benefit payable shall be at the rate of 80 per cent of the gross weekly earnings, subject to a maximum of \$70 per week.

The above benefits shall be subject to the terms of clause (3) below.

For the purposes of this Part II,

- (1) a principal unpaid housekeeper residing in the household and not otherwise engaged in occupation or employment for wages or profit, if injured, shall be deemed disabled only if completely incapacitated and unable to perform any of his or her household duties and, while so incapacitated, shall receive a benefit at the rate of \$35 per week for not more than 12 weeks;

- (2) a person shall be deemed to be employed,
 - (a) if actively engaged in occupation or employment for wages or profit at the date of the accident; or
 - (b) if 21 years of age or over and under the age of 65 years, so engaged for any six months out of the preceding 12 months;
- (3) except for the first two weeks of disability where the benefits for loss of time payable hereunder, together with benefits for loss of time under another contract, including a contract of group accident insurance and a life insurance contract providing disability insurance, exceed the money value of the time of the insured person, the Insurer is liable only for that proportion of the benefits for loss of time stated in this policy that the money value of the time of the person insured bears to the aggregate of the benefits for loss of time payable under all such contracts.

SUBSECTION 3—SPECIAL PROVISIONS, DEFINITIONS, AND
EXCLUSIONS OF THIS SECTION

(1) *“Insured person” defined*

In this Section, the words “insured person” mean,

- (a) any person while an occupant of the described automobile or of a newly acquired or temporary substitute automobile as defined in this policy;
- (b) the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either while an occupant of any other automobile; provided that,
 - (i) the insured is an individual or are husband and wife;
 - (ii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (iii) such other automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the insured;
 - (iv) such other automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the insured.
 - (v) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery;
- (c) in Subsections 1 and 2 of this Section only, any person, not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck, in Canada, by the described automobile or a newly acquired or temporary substitute automobile as defined in the policy;
- (d) in Subsections 1 and 2 of this Section only, the named insured, if an individual and his or her spouse and any dependent relative residing in the same dwelling premises as

the named insured, not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck by any other automobile; provided that,

- (i) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
 - (ii) that automobile is not owned or regularly or frequently used by the insured or by any person or persons residing in the same dwelling premises as the named insured;
 - (iii) that automobile is not owned, hired, or leased by an employer of the insured or by an employer of any person or persons residing in the same dwelling premises as the named insured;
- (e) if the insured is a corporation, unincorporated association, or partnership, any employee or partner of the insured for whose regular use the described automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while an occupant of any other automobile of the private passenger or station wagon type; and
- (f) in Subsections 1 and 2 of this Section only, any employee or partner of the insured, for whose regular use the described automobile is furnished, and his or her spouse and any dependent relative of either, residing in the same dwelling premises as such employee or partner, while not the occupant of an automobile or of railway rolling-stock that runs on rails, who is struck by any other automobile; provided that,

in respect of (e) and (f) above,

- (i) neither such employee nor partner or his or her spouse is the owner of an automobile of the private passenger or station wagon type;
- (ii) the described automobile is of the private passenger or station wagon type;
- (iii) such person is not engaged in the business of selling, repairing, maintaining, servicing, storing, or parking automobiles at the time of the accident;
- (iv) such other automobile is not owned or regularly or frequently used by the employee or partner, or by any person or persons residing in the same dwelling premises as such employee or partner;
- (v) such other automobile is not owned, hired, or leased by the insured or by an employer of any person or persons residing in the same dwelling premises as such employee or partner of the insured;

in respect of (e) above only,

- (vi) such other automobile is not used for carrying passengers for compensation or hire or for commercial delivery.

(2) *Exclusions*

- (a) The Insurer shall not be liable under this Section for bodily injury to or death of any person,
 - (i) resulting from the suicide of such person or attempt thereat, whether sane or insane; or
 - (ii) who is entitled to receive the benefits of any workmen's compensation law or plan; or
 - (iii) caused directly or indirectly by radioactive material;
- (b) The Insurer shall not be liable under Subsection 1 or Part II of Subsection 2 of this Section for bodily injury or death,
 - (i) sustained by any person who is convicted of drunken or impaired driving or of driving while under the influence of drugs at the time of the accident; or
 - (ii) sustained by any person driving the automobile who is not for the time being either authorized by law or qualified to drive the automobile.

(3) *Notice and proof of claim*

The insured person or his agent, or the person otherwise entitled to make claim or his agent, shall,

- (a) give written notice of claim to the Insurer by delivery thereof or by sending it by registered mail to the chief agency or head office of the Insurer in the Province, not later than 30 days from the date of the accident;
- (b) within 90 days from the date of the accident for which the claim is made, furnish to the Insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident and the loss occasioned thereby;
- (c) if so required by the Insurer, furnish a certificate as to the cause and nature of the accident for which the claim is made and as to the duration of the disability caused thereby from a medical practitioner legally qualified to practise.

(4) *Medical reports*

The Insurer has the right and the claimant shall afford to the Insurer, an opportunity to examine the person of the insured person when and as often as it reasonably requires while the claim is pending, and also, in the case of the death of the insured person, to make an autopsy subject to the law relating to autopsies.

(5) *"Attending physician" defined*

"Attending physician" shall mean a person who legally engages in the practice of medicine or surgery, or both.

(6) *Release*

Notwithstanding any release provided for under the relevant sections of *The Insurance Act* the Insurer may demand, as a con-

dition precedent to payment of any amount under this Section of the policy, a release in favour of the insured and the Insurer from liability to the extent of such payment from the insured person or his personal representative or any other person.

(7) *When moneys payable*

- (a) All amounts payable under this Section, other than benefits under Part II of Subsection 2, shall be paid by the Insurer within 30 days after it has received proof of claim. The initial benefits for loss of time under Part II of Subsection 2 shall be paid within 30 days after it has received proof of claim, and payments shall be made thereafter within each 30-day period while the Insurer remains liable for payments if the insured person, whenever required to do so, furnishes prior to payment proof of continuing disability.
- (b) No person shall bring an action to recover the amount of a claim under this Section unless the requirements of provisions 3 and 4 of this Subsection are complied with, nor until the amount of the loss has been ascertained as provided in this Section.
- (c) Every action or proceeding against the Insurer for the recovery of a claim under this Section shall be commenced within one year from the date on which the cause of action arose and not afterwards.

In so far as applicable the general provisions, definitions, exclusions and statutory conditions of the policy also apply.

27. Sections 14 and 15 apply to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of January, 1972, and all contracts evidenced by motor vehicle liability policies, ^{Application of sections 14, 15}

- (a) made or renewed before and subsisting when this Act receives Royal Assent; or
- (b) made or renewed after this Act receives Royal Assent and before the 1st day of January, 1972,

shall be deemed to contain the benefits, limits, terms and conditions set forth in Schedule E.

28.—(1) This Act, except sections 2 and 13, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Sections 2 and 13 come into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Idem}

29. This Act may be cited as *The Insurance Amendment Act, 1971*. ^{Short title}

An Act to amend
The Insurance Act

1st Reading

June 24th, 1971

2nd Reading

July 21st, 1971

3rd Reading

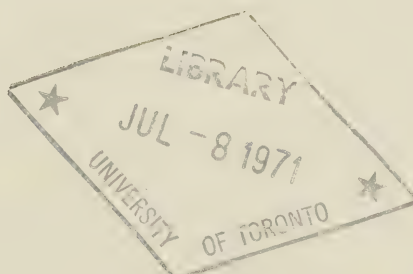
July 28th, 1971

THE HON. ARTHUR A. WISHART
Minister of Financial and
Commercial Affairs

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Health Services Insurance Act, 1968-69

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1, 2 and 3. Procedures are prescribed for hearings to adjudicate where the amounts claimed are refused or reduced because of abuses of the Plan. The amendment also provides that a doctor who bills his patient cannot require payment of any amount that the Plan refuses to pay for cause.

BILL 82

1971

**An Act to amend
The Health Services Insurance Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following clause: 1968-69,
c. 43, s. 1,
amended

(aa) "Claims Board" means the Health Services Claims Board established under section 5a.

2. Subsection 2 of section 4 of *The Health Services Insurance Act, 1968-69* is repealed. 1968-69,
c. 43, s. 4,
subs. 2,
repealed

3. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections: 1968-69,
c. 43,
amended

5a.—(1) The Health Services Claims Board is established and shall be composed of five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman. Health
Services
Claims
Board

(2) Three members of the Claims Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Claims Board.

(3) No member of the Claims Board shall be employed in the service of Ontario or of any agency of the Crown. Qualifications
of members

5b.—(1) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof in accordance with this Act and the regulations, and shall perform such other duties as are assigned to him by this Act or the regulations. Duties of
Director

(2) Where it appears to the Director on reasonable grounds that, Refusal or
reduction
of claims

- (a) all or part of insured health services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards; or
- (d) the nature of the services is misrepresented,

the Director may refuse or reduce payment of the amount otherwise payable under subsection 1.

Proposal
to refuse
claim

- (3) Where the Director proposes to refuse or reduce a payment on any of the grounds set out in subsection 2, he shall serve notice of his proposal, together with written reasons therefor, on the claimant.

Notice

- (4) A notice under subsection 3 shall inform the claimant that he is entitled to a hearing by the Claims Board if he mails or delivers, within fifteen days after the notice under subsection 3 is served on him, notice in writing requiring a hearing to the Director and the Claims Board and he may so require such a hearing.

Powers of
Claims Board
where
hearing

- (5) Where a claimant requires a hearing by the Claims Board in accordance with subsection 4, the Claims Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Claims Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Claims Board may substitute its opinion for that of the Director.

Extension
of time
for
requiring
hearing

- (6) The Claims Board may extend the time for the giving of notice requiring a hearing by a claimant under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Claims Board may give such directions as it considers proper consequent upon the extension.

- 5c.—(1) The Director, the claimant who has required ^{Parties} the hearing where the claimant is a patient, the physician or practitioner rendering the services, and such other persons as the Claims Board may specify are parties to proceedings before the Claims Board under this Act.
- (2) A claimant who is a party to proceedings under section 5b shall be afforded an opportunity to examine ^{Examination of documentary evidence} before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- (3) Members of the Claims Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Claims Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. ^{Members holding hearing not to have taken part in investigation, etc.}
- (4) The oral evidence taken before the Claims Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. ^{Recording of evidence}
- (5) The findings of fact of the Claims Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. ^{Findings of fact 1971, c. ...}
- (6) No member of the Claims Board shall participate in a decision of the Claims Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Claims Board shall be given unless all members so present participate in the decision. ^{Only members at hearing to participate in decision}
- (7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Claims Board within ^{Release of documentary evidence}

a reasonable time after the matter in issue has been finally determined.

Appeal to
court

5d.—(1) Any party to the proceedings before the Claims Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of the Claims Board, the Claims Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Claims Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Claims Board and may exercise all powers of the Claims Board to direct the Director to take any action which the Claims Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Claims Board, or the court may refer the matter back to the Claims Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

5e.—(1) Notwithstanding section 23, where a decision of the Director to refuse or reduce a payment on any of the grounds referred to in clause *b*, *c* or *d* of subsection 2 of section 5*b* and the decision has become final, the Director shall furnish the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the Director may furnish such governing body with a copy of the decision and the reasons therefor.

Liability of
physician,
etc., where
claim of
patient
disallowed

(2) Where the claim for an account of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 5*b*, the insured person is not liable to the physician or practitioner for the difference between the amount claimed and the amount allowed by the Director and any such amount or part thereof paid

SECTION 4. The amendment requires physicians to bill the Plan or bill the patient, but prohibits doing both, subject to certain exemptions.

by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

4. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections: 1968-69,
c. 43,
amended

- 21a—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured health services directly to the Plan for payment thereof directly to him by notifying the Director of his intention to do so in the manner and subject to the requirements prescribed by the regulations. Billing
the Plan
- (2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations. Methods of
billing
prohibited
- (3) Where a physician submits his accounts directly to the Plan under this section, Requirements
where Plan
billed
- (a) payment thereof shall be made directly to him ;
- (b) he shall not submit any account for any amount to the patient in respect of insured health services ; and
- (c) the payment for the insured health services out of the Plan constitutes payment in full of the account therefor.
- (4) A physician may at any time notify the Director in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the Director receives such notification. Ceasing
billing
the Plan
- (5) The Plan shall not make any payment in respect of the performance of insured health services directly to any physician who does not submit his accounts therefor directly to the Plan under this section. No payment
to physician,
etc., unless
Plan billed
by him
- (6) Where the first account submitted on or after the 1st day of September, 1971 by a physician for insured health services is submitted directly to the Plan, the physician shall be deemed to be one who is sub- Initial
adoption
of Plan
billing

mitting his accounts directly to the Plan for the purposes of this section.

Service
of notice

- 21b. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

1968-69,
c. 43, s. 22,
subs. 1,
repealed

5. Subsection 1 of section 22 of *The Health Services Insurance Act, 1968-69* is repealed.

1968-69,
c. 43, s. 23,
subs. 2, cl. a,
re-enacted

6.—(1) Clause *a* of subsection 2 of section 23 of *The Health Services Insurance Act, 1968-69* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 234
1966, c. 64
(Can.)

- (a) in connection with the administration of this Act and *The Medical Act*, and the regulations made thereunder, and the *Medical Care Act* (Canada).

1968-69,
c. 43, s. 23,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor:

Exception for
professional
discipline

- (4) The Director may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

1968-69,
c. 43,
amended

7. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections:

Inspectors

- 31a.—(1) The Director may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals, nursing homes, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured health services.

Obstructions

- (2) No person shall unlawfully obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations.

SECTION 5. The provision repealed requires physicians and practitioners to give notice to patients if they charge more than the amount payable by the Plan.

SECTION 6. The amendments facilitate the flow of information from the Plan to professional governing bodies for disciplinary purposes.

SECTION 7. Provision is made for inspections and a general penalty.

SECTION 8. Complementary to section 4 of this Bill.

31*b*. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. ^{Offence, general}

8. Section 32 of *The Health Services Insurance Act, 1968-69* ^{1968-69, c. 43, s. 32, amended} is amended by adding thereto the following clauses:

- (*r*) providing for the times when and manner in which physicians may begin submitting accounts directly to the Plan under section 21*a*;
- (*s*) exempting any class of accounts from the application of section 21*a* or any provision thereof.

9.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Sections 1, 2 and 3 come into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Idem}

10. This Act may be cited as *The Health Services Insurance Amendment Act, 1971*. ^{Short title}

An Act to amend
The Health Services
Insurance Act, 1968-69

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

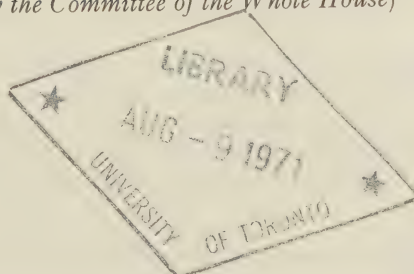
(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Health Services Insurance Act, 1968-69

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health

(Reprinted as amended by the Committee of the Whole House)



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1, 2 and 3. Procedures are prescribed for hearings to adjudicate where the amounts claimed are refused or reduced because of abuses of the Plan. The amendment also provides that a doctor who bills his patient cannot require payment of any amount that the Plan refuses to pay for cause.

BILL 82

1971

**An Act to amend
The Health Services Insurance Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following clause: 1968-69,
c. 43, s. 1,
amended

(aa) "Claims Board" means the Health Services Claims Board established under section 5a.

2. Subsection 2 of section 4 of *The Health Services Insurance Act, 1968-69* is repealed. 1968-69,
c. 43, s. 4,
subs. 2,
repealed

3. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections: 1968-69,
c. 43,
amended

5a.—(1) The Health Services Claims Board is established and shall be composed of five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman. Health
Services
Claims
Board

(2) Three members of the Claims Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Claims Board. Quorum

(3) No member of the Claims Board shall be employed in the service of Ontario or of any agency of the Crown. Qualifications
of members

5b.—(1) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof in accordance with this Act and the regulations, and shall perform such other duties as are assigned to him by this Act or the regulations. Duties of
Director

(2) Where it appears to the Director on reasonable grounds that, Refusal or
reduction
of claims

- (a) all or part of insured health services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards; or
- (d) the nature of the services is misrepresented,

the Director shall refer the matter to the Medical Review Committee established under section 31*a* and the Medical Review Committee may recommend to the Director that he pay or refuse or reduce payment of the amount otherwise payable under subsection 1 and subject to subsections 3 to 6 and to sections 5*c* and 5*d*, the Director shall carry out the recommendations of the Committee.

Proposal
to refuse
claim

- (3) Where the Director proposes to refuse or reduce a payment on any of the grounds set out in subsection 2, he shall serve notice of his proposal, together with written reasons therefor, on the claimant.

Notice

- (4) A notice under subsection 3 shall inform the claimant that he is entitled to a hearing by the Claims Board if he mails or delivers, within fifteen days after the notice under subsection 3 is served on him, notice in writing requiring a hearing to the Director and the Claims Board and he may so require such a hearing.

Powers of
Claims Board
where
hearing

- (5) Where a claimant requires a hearing by the Claims Board in accordance with subsection 4, the Claims Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Claims Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Claims Board may substitute its opinion for that of the Director.

Extension
of time
for
requiring
hearing

- (6) The Claims Board may extend the time for the giving of notice requiring a hearing by a claimant under this section either before or after expiration of such time

where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Claims Board may give such directions as it considers proper consequent upon the extension.

- 5c.—(1) The Director, the claimant who has required the hearing where the claimant is a patient, the physician or practitioner rendering the services, and such other persons as the Claims Board may specify are parties to proceedings before the Claims Board under this Act. Parties
- (2) A claimant who is a party to proceedings under section 5b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence
- (3) Members of the Claims Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Claims Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.
- (4) The oral evidence taken before the Claims Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence
- (5) The findings of fact of the Claims Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. . .
- (6) No member of the Claims Board shall participate in a decision of the Claims Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no Only members at hearing to participate in decision

decision of the Claims Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Claims Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

- 5*d*.—(1) Any party to the proceedings before the Claims Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Claims Board, the Claims Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Claims Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Claims Board and may exercise all powers of the Claims Board to direct the Director to take any action which the Claims Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Claims Board, or the court may refer the matter back to the Claims Board for re-hearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

- 5*e*.—(1) Notwithstanding section 23, where a decision of the Director to refuse or reduce a payment on any of the grounds referred to in clause *b*, *c* or *d* of subsection 2 of section 5*b* and the decision has become final, the Director shall furnish the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the Director may furnish such governing body with a copy of the decision and the reasons therefor.

SECTION 4. The amendment requires physicians to bill the Plan or bill the patient, but prohibits doing both, subject to certain exemptions.

- (2) Where the claim for an account for insured health services of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 5*b*, the insured person is not liable to the physician or practitioner for the amount by which the Director reduces the account on such grounds and any such amount or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.
- Liability of physician, etc., where claim of patient disallowed

4. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections:

1968-69, c. 43, amended

- 21*a*—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured health services directly to the Plan for payment thereof directly to him by notifying the Director of his intention to do so in the manner and subject to the requirements prescribed by the regulations.
- Billing the Plan
- (2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.
- Methods of billing prohibited
- (3) Where a physician submits his accounts directly to the Plan under this section,
- Requirements where Plan billed
- (*a*) payment thereof shall be made directly to him;
- (*b*) he shall not submit any account for any amount to the patient in respect of insured health services; and
- (*c*) the payment for the insured health services out of the Plan constitutes payment in full of the account therefor.
- (4) A physician may at any time notify the Director in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the Director receives such notification.
- Ceasing billing the Plan

No payment
to physician,
etc., unless
Plan billed
by him

- (5) The Plan shall not make any payment in respect of the performance of insured health services directly to any physician who does not submit his accounts therefor directly to the Plan under this section.

Initial
adoption
of Plan
billing

- (6) Where the first account submitted on or after the 1st day of November, 1971 by a physician for insured health services is submitted directly to the Plan, the physician shall be deemed to be one who is submitting his accounts directly to the Plan for the purposes of this section.

Service
of notice

- 21b. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

1968-69,
c. 43, s. 22,
subs. 1,
repealed

5. Subsection 1 of section 22 of *The Health Services Insurance Act, 1968-69* is repealed.

1968-69,
c. 43, s. 23,
subs. 2, cl. a,
re-enacted

6.—(1) Clause *a* of subsection 2 of section 23 of *The Health Services Insurance Act, 1968-69* is repealed and the following substituted therefor:

- (a) in connection with the administration of this Act and *The Medical Act*, and the regulations made thereunder, and the *Medical Care Act* (Canada).

R.S.O. 1960,
c. 234,
1966, c. 64
(Can.)

1968-69,
c. 43, s. 23,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor:

- (4) The Director may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

Exception for
professional
discipline

1968-69,
c. 43, s. 28,
repealed

7. Section 28 of *The Health Services Insurance Act, 1968-69* is repealed.

SECTION 5. The provision repealed requires physicians and practitioners to give notice to patients if they charge more than the amount payable by the Plan.

SECTION 6. The amendments facilitate the flow of information from the Plan to professional governing bodies for disciplinary purposes.

SECTION 8. Provision is made for inspections and a general penalty.

SECTION 9. Complementary to section 4 of this Bill.

8. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections: 1968-69,
c. 43,
amended

31a.—(1) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint a Medical Review Committee consisting of not more than six members of whom a majority constitute a quorum. Medical
Review
Committee
established

(2) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals, nursing homes, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured health services, and such medical and financial inspectors shall act only at the direction of the Medical Review Committee. Inspectors

(3) No person shall unlawfully obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations. Obstructions

31b. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. Offence,
general

9. Section 32 of *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following clauses: 1968-69,
c. 43, s. 32,
amended

(r) providing for the times when and manner in which physicians may begin submitting accounts directly to the Plan under section 21a;

(s) exempting any class of accounts from the application of section 21a or any provision thereof.



10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

11. This Act may be cited as *The Health Services Insurance Amendment Act, 1971*. Short title

An Act to amend
The Health Services
Insurance Act, 1968-69

1st Reading

June 24th, 1971

2nd Reading

July 19th, 1971

3rd Reading

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

(Reprinted as amended by the
Committee of the Whole House)

CA20N
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-B 56

BILL 82

Government
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Health Services Insurance Act, 1968-69

THE HON. A. B. R. LAWRENCE (Carleton East)
Minister of Health



An Act to amend The Health Services Insurance Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following clause: 1968-69,
c. 43, s. 1,
amended

(aa) "Claims Board" means the Health Services Claims Board established under section 5a.

2. Subsection 2 of section 4 of *The Health Services Insurance Act, 1968-69* is repealed. 1968-69,
c. 43, s. 4,
subs. 2,
repealed

3. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections: 1968-69,
c. 43,
amended

5a.—(1) The Health Services Claims Board is established and shall be composed of five members who shall be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman. Health
Services
Claims
Board

(2) Three members of the Claims Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Claims Board. Quorum

(3) No member of the Claims Board shall be employed in the service of Ontario or of any agency of the Crown. Qualifications
of members

5b.—(1) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof in accordance with this Act and the regulations, and shall perform such other duties as are assigned to him by this Act or the regulations. Duties of
Director

(2) Where it appears to the Director on reasonable grounds that, Refusal or
reduction
of claims

- (a) all or part of insured health services were not in fact rendered;
- (b) all or part of such services were not medically necessary;
- (c) all or part of such services were not provided in accordance with accepted professional standards; or
- (d) the nature of the services is misrepresented,

the Director shall refer the matter to the Medical Review Committee established under section 31a and the Medical Review Committee may recommend to the Director that he pay or refuse or reduce payment of the amount otherwise payable under subsection 1 and subject to subsections 3 to 6 and to sections 5c and 5d, the Director shall carry out the recommendations of the Committee.

Proposal
to refuse
claim

- (3) Where the Director proposes to refuse or reduce a payment on any of the grounds set out in subsection 2, he shall serve notice of his proposal, together with written reasons therefor, on the claimant.

Notice

- (4) A notice under subsection 3 shall inform the claimant that he is entitled to a hearing by the Claims Board if he mails or delivers, within fifteen days after the notice under subsection 3 is served on him, notice in writing requiring a hearing to the Director and the Claims Board and he may so require such a hearing.

Powers of
Claims Board
where
hearing

- (5) Where a claimant requires a hearing by the Claims Board in accordance with subsection 4, the Claims Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Claims Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Claims Board may substitute its opinion for that of the Director.

Extension
of time
for
requiring
hearing

- (6) The Claims Board may extend the time for the giving of notice requiring a hearing by a claimant under this section either before or after expiration of such time

where it is satisfied that there are *prima facie* grounds for granting relief to the claimant pursuant to a hearing and that there are reasonable grounds for applying for the extension and the Claims Board may give such directions as it considers proper consequent upon the extension.

- 5c.—(1) The Director, the claimant who has required Parties the hearing where the claimant is a patient, the physician or practitioner rendering the services, and such other persons as the Claims Board may specify are parties to proceedings before the Claims Board under this Act.
- (2) A claimant who is a party to proceedings under Examination of documentary evidence section 5b shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.
- (3) Members of the Claims Board holding a hearing Members holding hearing not to have taken part in investigation, etc. shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Claims Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.
- (4) The oral evidence taken before the Claims Board Recording of evidence at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- (5) The findings of fact of the Claims Board pursuant Findings of fact to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure* 1971, c. . . Act, 1971.
- (6) No member of the Claims Board shall participate Only members at hearing to participate in decision in a decision of the Claims Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no

decision of the Claims Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

- (7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Claims Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

- 5d.—(1) Any party to the proceedings before the Claims Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

- (2) Where any party appeals from a decision or order of the Claims Board, the Claims Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Claims Board's record, shall constitute the record in the appeal.

Minister
entitled to
be heard

- (3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

- (4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Claims Board and may exercise all powers of the Claims Board to direct the Director to take any action which the Claims Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Claims Board, or the court may refer the matter back to the Claims Board for re-hearing, in whole or in part, in accordance with such directions as the court considers proper.

Furnishing
reasons to
professional
governing
body

- 5e.—(1) Notwithstanding section 23, where a decision of the Director to refuse or reduce a payment on any of the grounds referred to in clause *b, c* or *d* of subsection 2 of section 5*b* and the decision has become final, the Director shall furnish the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the Director may furnish such governing body with a copy of the decision and the reasons therefor.

- (2) Where the claim for an account for insured health services of a physician or practitioner who is not submitting his accounts directly to the Plan is refused or reduced on any of the grounds referred to in clauses *a* to *d* of subsection 2 of section 5*b*, the insured person is not liable to the physician or practitioner for the amount by which the Director reduces the account on such grounds and any such amount or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction.

Liability of
physician,
etc., where
claim of
patient
disallowed

4. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections:

1968-69,
c. 43,
amended

- 21*a*—(1) Subject to subsection 6, a physician may submit his accounts for the performance of insured health services directly to the Plan for payment thereof directly to him by notifying the Director of his intention to do so in the manner and subject to the requirements prescribed by the regulations.

Billing
the Plan

- (2) Where a physician submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.

Methods of
billing
prohibited

- (3) Where a physician submits his accounts directly to the Plan under this section,

Requirements
where Plan
billed

(*a*) payment thereof shall be made directly to him;

(*b*) he shall not submit any account for any amount to the patient in respect of insured health services; and

(*c*) the payment for the insured health services out of the Plan constitutes payment in full of the account therefor.

- (4) A physician may at any time notify the Director in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the Director receives such notification.

Ceasing
billing
the Plan

No payment
to physician,
etc., unless
Plan billed
by him

- (5) The Plan shall not make any payment in respect of the performance of insured health services directly to any physician who does not submit his accounts therefor directly to the Plan under this section.

Initial
adoption
of Plan
billing

- (6) Where the first account submitted on or after the 1st day of November, 1971 by a physician for insured health services is submitted directly to the Plan, the physician shall be deemed to be one who is submitting his accounts directly to the Plan for the purposes of this section.

Service
of notice

- 21b. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

1968-69,
c. 43, s. 22,
subs. 1,
repealed

5. Subsection 1 of section 22 of *The Health Services Insurance Act, 1968-69* is repealed.

1968-69,
c. 43, s. 23,
subs. 2, cl. a,
re-enacted

6.—(1) Clause *a* of subsection 2 of section 23 of *The Health Services Insurance Act, 1968-69* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 234,
1966, c. 64
(Can.)

- (a) in connection with the administration of this Act and *The Medical Act*, and the regulations made thereunder, and the *Medical Care Act* (Canada).

1968-69,
c. 43, s. 23,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor:

Exception for
professional
discipline

- (4) The Director may communicate information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by the person who provided the services to the statutory body governing the profession or to a professional association of which he is a member.

1968-69,
c. 43, s. 28,
repealed

7. Section 28 of *The Health Services Insurance Act, 1968-69* is repealed.

8. *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following sections: 1968-69,
c. 43,
amended

31a.—(1) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint a Medical Review Committee consisting of not more than six members of whom a majority constitute a quorum. Medical
Review
Committee
established

(2) The Minister, from among persons nominated for such purpose by The College of Physicians and Surgeons of Ontario, may appoint in writing medical and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and medical records maintained in hospitals, nursing homes, offices of physicians and practitioners and other health care facilities respecting patients who are receiving or who have received insured health services, and such medical and financial inspectors shall act only at the direction of the Medical Review Committee. Inspectors

(3) No person shall unlawfully obstruct a medical or financial inspector in the performance of his duties under this Act and the regulations. Obstructions

31b. Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. Offence,
general

9. Section 32 of *The Health Services Insurance Act, 1968-69* is amended by adding thereto the following clauses: 1968-69,
c. 43, s. 32,
amended

(r) providing for the times when and manner in which physicians may begin submitting accounts directly to the Plan under section 21a;

(s) exempting any class of accounts from the application of section 21a or any provision thereof.

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

11. This Act may be cited as *The Health Services Insurance Amendment Act, 1971*. Short title

An Act to amend
The Health Services
Insurance Act, 1968-69

1st Reading

June 24th, 1971

2nd Reading

July 19th, 1971

3rd Reading

July 28th, 1971

THE HON. A. B. R. LAWRENCE
(Carleton East)
Minister of Health

CA20N

XB

-B56

Government
Publication

BILL 83

Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Judicature Act



THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The present section 14*a* (1) is amended. Clauses *b* and *c* of section 14*a*(1) now refer to applications "by way of prohibition, *mandamus* and *certiorari*". They are amended to refer to "applications for judicial review" which, under *The Judicial Review Procedure Act, 1971*, will replace the procedure by way of prohibition, *mandamus* and *certiorari* and will include power to make declarations or issue injunctions in relation to the exercise of statutory powers. Clause *d* is amended to clarify its application to interlocutory judgments or orders. Clause *e* is amended to include applications by way of stated case which are not in the nature of appeals. Clause *f* is amended to apply to final judgments as well as final orders of the Master.

Section 14*a* (2) is changed to correspond to the change to clause *e* of subsection 1.

Section 14*a* (3) is new. Certain appeals that formerly could be made to the Court of Appeal or a judge if leave was obtained from the Court of Appeal or a judge will, under section 14*a* (2), now go to the Divisional Court. Subsection 3 proposes that the leave should now be obtained from the Divisional Court or in certain cases from a judge thereof, as provided in the rules.

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14a of *The Judicature Act*, as enacted by section 3 of *The Judicature Amendment Act, 1970* (No. 4), is repealed and the following substituted therefor:

R.S.O. 1960,
c. 197, s. 14a
(1970, c. 97,
s. 3),
re-enacted

14a.—(1) The Divisional Court has jurisdiction to hear, determine and dispose of,

Jurisdiction
of Divisional
Court

- (a) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*;
- (b) applications for judicial review under *The Judicial Review Procedure Act, 1971*;
- (c) all appeals from judgments or orders of judges of the High Court on applications for judicial review under *The Judicial Review Procedure Act, 1971*;
- (d) all appeals from interlocutory judgments or orders of a judge of the High Court, in court or in chambers, with leave as provided in the rules;
- (e) all applications by way of stated case, whether as an appeal or otherwise, to the Supreme Court under any Act other than *The Summary Convictions Act*;
- (f) all appeals from final judgments or orders of the Master of the Supreme Court.

R.S.O. 1960,
c. 76

1971, c...

R.S.O. 1960,
c. 387

- (2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, or for an application thereto by way of stated case under any Act other than *The Summary Con-*

Existing
appeals to
Supreme
Court

victions Act, whether as an appeal or otherwise, such provision shall be deemed for the purposes of subsection 1 to provide that the appeal or application shall be to the Supreme Court.

Where appeal
with leave

(3) Where an appeal under any Act referred to in subsection 2 can only be brought with leave,

(a) obtained from the Court of Appeal, such leave shall be obtained from the Divisional Court; or

(b) obtained in any other manner, such leave shall be obtained from the Divisional Court or a judge thereof as provided in the rules.

R.S.O. 1960,
c. 197, s. 25,
repealed

2. Section 25 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1968*, is repealed.

R.S.O. 1960,
c. 197, s. 26,
subs. 1,
re-enacted

3. Subsection 1 of section 26 of *The Judicature Act*, as amended by section 4 of *The Judicature Amendment Act, 1970* (*No. 4*), is repealed and the following substituted therefor:

Appeals to
Court of
Appeal

(1) Except where it is otherwise provided by statute and subject to the rules regulating the terms and conditions on which appeals may be brought, an appeal lies to the Court of Appeal from,

(a) any final judgment or order of a judge of the High Court in court or in chambers, whether at trial or otherwise; or

(b) any judgment or order of the Divisional Court, with leave as provided by the rules, on any question that is not a question of fact alone.

R.S.O. 1960,
c. 197, s. 111,
subs. 9,
amended

4. Subsection 9 of section 111 of *The Judicature Act*, as amended by section 6 of *The Judicature Amendment Act, 1968*, is further amended by adding thereto the following clause:

(da) prescribing the time and manner for making an appeal to the Divisional Court.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1971*.

SECTION 2. Section 25 of *The Judicature Act* now provides that appeals on interlocutory orders can be made to the Court of Appeal only with leave. This section can be repealed since these appeals will no longer go to the Court of Appeal but will go to the Divisional Court under section 14a (1) (d). All appeals from judgments of the Divisional Court can be made only with leave.

SECTION 3. The present clauses *a* and *b* provide for appeals from final orders made in court or made in chambers and it is proposed to consolidate them. The present clause *c* is repealed so that appeals on the matters of practice and procedure to which it applies will now go to the Divisional Court with all other matters of practice and procedure.

The proposed clause *b* provides that appeals from the Divisional Court to the Court of Appeal should be restricted to any question that is "not a question of fact alone". This language replaces language in the present section restricting appeals to "questions of law only" and corresponds to language adopted in recent amendments to the Act establishing the Supreme Court of Canada.

SECTION 4. The amendment confers powers on the Rules Committee to make rules governing appeals to the Divisional Court similar to its powers to make rules governing appeals to the Court of Appeal conferred by section 28 of *The Interpretation Act*.

An Act to amend
The Judicature Act

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

BILL 83

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Judicature Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



An Act to amend The Judicature Act

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(1970, c. 97,
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Jurisdiction
of Divisional
Court

- (a) all appeals to the Supreme Court under any Act other than this Act and *The County Courts Act*;
 - (b) applications for judicial review under *The Judicial Review Procedure Act, 1971*;
 - (c) all appeals from judgments or orders of judges of the High Court on applications for judicial review under *The Judicial Review Procedure Act, 1971*;
 - (d) all appeals from interlocutory judgments or orders of a judge of the High Court, in court or in chambers, with leave as provided in the rules;
 - (e) all applications by way of stated case, whether as an appeal or otherwise, to the Supreme Court under any Act other than *The Summary Convictions Act*;
 - (f) all appeals from final judgments or orders of the Master of the Supreme Court.
- (2) Where, by or under any Act, other than this Act and *The County Courts Act*, provision is made for an appeal to the High Court or the Court of Appeal, or to a judge thereof, or to a judge of the Supreme Court, or for an application thereto by way of stated case under any Act other than *The Summary Con-*

R.S.O. 1960,
c. 76

1971, c. . . .

R.S.O. 1960,
c. 387

Existing
appeals to
Supreme
Court

victions Act, whether as an appeal or otherwise, such provision shall be deemed for the purposes of subsection 1 to provide that the appeal or application shall be to the Supreme Court.

Where appeal
with leave

(3) Where an appeal under any Act referred to in subsection 2 can only be brought with leave,

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(b) obtained in any other manner, such leave shall be obtained from the Divisional Court or a judge thereof as provided in the rules.

R.S.O. 1960,
c. 197, s. 25,
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2. Section 25 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1968*, is repealed.

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3. Subsection 1 of section 26 of *The Judicature Act*, as amended by section 4 of *The Judicature Amendment Act, 1970* (*No. 4*), is repealed and the following substituted therefor:

Appeals to
Court of
Appeal

(1) Except where it is otherwise provided by statute and subject to the rules regulating the terms and conditions on which appeals may be brought, an appeal lies to the Court of Appeal from,

(a) any final judgment or order of a judge of the High Court in court or in chambers, whether at trial or otherwise; or

(b) any judgment or order of the Divisional Court, with leave as provided by the rules, on any question that is not a question of fact alone.

R.S.O. 1960,
c. 197, s. 111,
subs. 9,
amended

4. Subsection 9 of section 111 of *The Judicature Act*, as amended by section 6 of *The Judicature Amendment Act, 1968*, is further amended by adding thereto the following clause:

(da) prescribing the time and manner for making an appeal to the Divisional Court.

Commence-
ment

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1971*.

An Act to amend
The Judicature Act

1st Reading

June 24th, 1971

2nd Reading

June 24th, 1971

3rd Reading

July 13th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

CA20N

BILL 84

Government Bill

Publication

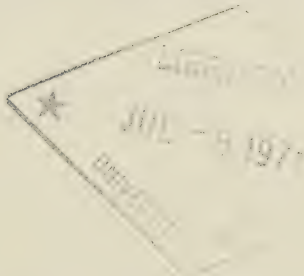
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4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Hotel Fire Safety Act, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill replaces and updates the existing *Hotel Fire Safety Act* in the light of present-day standards for hotel fire safety.

All new hotels will be required to comply with all aspects of the Act and regulations and provision is made for phasing in the application to existing hotels.

Detailed technical requirements relating to the construction and safety features of hotels are transferred from the Act to the regulations.

BILL 84

1971

The Hotel Fire Safety Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,Interpre-
tation

- (a) "Fire Marshal" means the Fire Marshal of Ontario;
- (b) "hotel" means an establishment consisting of one building or two or more connected or adjacent buildings that provides sleeping accommodation for the public and is licensed or required to be licensed under *The Department of Tourism and Information Act, 1966*, or *The Liquor Licence Act*, but does not include a one storey building that,
 - (i) has a total floor area of less than 3,000 square feet,
 - (ii) is not attached to any other building, and
 - (iii) is at least thirty feet distant from any other building that is a hotel within the meaning of this clause;
- (c) "hotelkeeper" means the person who has the management and control of a hotel;
- (d) "inspector" means an inspector appointed under this Act; R.S.O. 1960, c. 148
- (e) "noncombustible construction" means construction of a type so defined by the regulations;
- (f) "regulations" means the regulations made under this Act;

- (g) "storey" means that part of a building between the top of a floor and the top of the next floor above it, or if there is no floor above it, that part between the top of a floor and the ceiling above it, but does not include a penthouse that is not used by the public, and the storey closest to grade having its ceiling more than six feet above grade shall be deemed to be the first storey. R.S.O. 1960, c. 179, s. 1, *amended*.

Application
of Act

2. This Act applies to every hotel whether constructed before or after this Act comes into force. *New*.

Approval of
plans by
Fire Marshal

3. No person shall,

- (a) construct a hotel;
- (b) construct an addition to a hotel;
- (c) convert a building to a hotel; or
- (d) alter a hotel,

until complete drawings and specifications thereof have been submitted to and approved by the Fire Marshal. *New*.

Structural
assemblies

4. Every hotel and every addition made to a hotel, shall have its structural assemblies including its floor assemblies, load-bearing walls, supporting columns and arches, roof assembly and stairways constructed in the manner and of the materials prescribed by the regulations. *New*.

Exits

5. Every hotel shall have such exits, including exit doorways, corridors and exit stairways, designed, located, maintained, identified, lighted, and in the case of exit doors, equipped with such hardware as the regulations prescribe. *New*.

Fire alarm
system

6. Every hotel shall have in each building that,

- (a) has a total floor area of more than 6,000 square feet;
- (b) is more than one storey in height; or
- (c) does not have direct egress to the outdoors from each sleeping room occupied individually and not as a suite and from each suite,

a fire-alarm system comprised of the components and materials and designed, installed and maintained in the manner prescribed by the regulations. *New*.

7. Every hotel four or more storeys in height and every addition four or more storeys in height made to a hotel, shall have a standpipe and hose system comprised of the components and materials, and designed, installed and maintained in the manner prescribed by the regulations. *New.* Standpipe and hose system

8. Every hotel shall install and maintain portable fire extinguishers of the type and in the number and of such fire extinguisher rating in such manner and location or locations in the hotel as are prescribed by the regulations. *New.* Portable fire extinguishers

9. The interior and exterior finish materials of every hotel shall meet the standards prescribed by the regulations. *New.* Interior and exterior finish

10. Every hotel shall have, Exit signs

- (a) exit signs erected in such manner and in such locations as an inspector orders; and
- (b) direction to exit signs erected in such manner and in such locations as an inspector orders. *New.*

11. Every hotel that is not of noncombustible construction shall have smoke-proof barriers erected in such manner and in such locations as an inspector orders. *New.* Smoke-proof barriers

12. Notwithstanding that a hotel has a fire-alarm system installed in the manner prescribed by the regulations, where the hotel is not of noncombustible construction and is three or more storeys in height, an inspector may order the hotel to install and maintain an automatic sprinkler system having sprinkler head protection in all areas. *New.* Automatic sprinkler system

13. Where an inspector finds that a decoration or drape in a place of assembly, lobby, corridor, stairway or other means of egress in a hotel will propagate flame when a match is held to a sample of the material he may, whether it has been treated with a fire retardant or not, order the material to be treated or retreated or to be removed. *New.* Decorations and drapes

14. Where an inspector finds that a condition exists in a hotel that makes the hotel specially liable to fire, he may order the hotelkeeper to remedy the condition. R.S.O. 1960, c. 179, s. 22. Special powers of inspectors

15.—(1) Where an inspector makes an order under this Act, he shall cause a copy of the order to be delivered to the hotelkeeper by personal service or by registered mail. Orders of inspector

- Right of appeal** (2) If the hotelkeeper feels aggrieved by the order, he may appeal within ten days from the service of the order to the Fire Marshal who shall hear and dispose of the appeal as promptly as is practicable, and he shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be delivered to the hotelkeeper by personal service or by registered mail.
- Powers of Fire Marshal** (3) On an appeal under subsection 2, the Fire Marshal may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or rescind the order or make a new order in substitution therefor and has all the powers of the inspector for such purpose and the decision or order on the appeal shall stand in the place of and have a like effect under this Act as the order of the inspector.
- Right of application to court** (4) If the hotelkeeper is dissatisfied with the decision of the Fire Marshal, he may, within ten days from the service of the decision, apply to the judge of the county or district court of the county or district in which the hotel is situate for a hearing.
- Extension of time for appeal** (5) A judge to whom an application is made under subsection 4 may extend the time for making the application either before or after the expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension, and may give such direction as he considers proper consequent upon the extension.
- Hearing** (6) Where a hotelkeeper appeals under subsection 4, the judge shall appoint a time for and hear the appeal and the judge may affirm or rescind the order or make a new order in substitution therefor and for such purpose the judge may substitute his opinion for that of the Fire Marshal and his decision is final.
- Parties** (7) The hotelkeeper and the Fire Marshal are parties to an appeal under this section.
- Findings of fact** (8) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. R.S.O. 1960, c. 179, s. 23, amended.
- 1971, c. . .
- Powers of inspector** **16.—**(1) An inspector may, for the purposes of carrying out his duties under this Act, at any reasonable time or times enter and inspect any hotel or any part thereof and may

require the hotelkeeper to produce or furnish any records or documents required to be kept under this Act or the regulations.

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information. *New.* ^{Obstructing inspector}

17.—(1) Every hotelkeeper who operates a hotel that does not conform with this Act and the regulations or who fails to comply with any order made by an inspector is guilty of an offence and on summary conviction is liable to a fine of not more than \$1000, and, in addition, the judge may order the hotel to be closed until it is made to conform with this Act and the regulations or with the order of the inspector. ^{Offence}

(2) The conviction under this Act of a hotelkeeper does not operate as a bar to further prosecution under this Act for the continued failure on his part to comply with this Act and the regulations or the order of an inspector, but such continuance constitutes a new and separate offence. ^{Conviction not bar to further charge}
R.S.O. 1960, c. 179, s. 24, *amended*.

18. The Lieutenant Governor in Council may appoint inspectors to enforce this Act and the regulations. ^{Appointment of inspectors} R.S.O. 1960, c. 179, s. 25, *amended*.

19. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) regulating the construction and alteration of hotels;
- (b) prescribing the design, location, identification, maintenance and lighting of means of egress from hotels and prescribing the type of hardware with which exit doors shall be equipped;
- (c) prescribing the method of construction and the materials to be used in the structural assemblies of hotels;
- (d) prescribing the design of standpipe and hose systems in hotels, prescribing the components and materials to be used in such systems and prescribing the manner in which such systems shall be installed and maintained;
- (e) providing for the exemption from this Act or the regulations or any provision thereof of any hotel or class or classes of hotels either absolutely or

for a limited period of time, and prescribing the terms and conditions thereof;

- (f) prescribing the design of fire alarm systems in hotels, prescribing the components and materials to be used in such systems and prescribing the manner in which such systems shall be installed and maintained;
- (g) regulating the interior and exterior finish materials in hotels;
- (h) requiring and regulating ventilating, air handling and cooking exhaust systems in hotels;
- (i) prescribing the number, type and location of portable fire extinguishers in hotels, their rating and the manner in which they shall be installed and maintained;
- (j) regulating the heating, cooling and air conditioning systems in hotels;
- (k) prescribing standards of housekeeping for hotels;
- (l) requiring the hotelkeeper and his staff to be trained in and to perform duties relating to fire prevention, fire protection, inspection, maintenance of equipment, supervision, fire fighting, sounding alarms, evacuating occupants, and other procedures affecting fire safety, and regulating such procedures;
- (m) controlling or prohibiting the use of any material, equipment, appliance or device in a hotel;
- (n) controlling or prohibiting exhibits and any item for display or sale in a hotel;
- (o) regulating the construction, erection, alteration, installation, removal, operation, or maintenance of any equipment, appliance or device in hotels;
- (p) prohibiting the installation or use of appliances, devices or materials in hotels;
- (q) requiring and regulating tests for building assemblies, materials, equipment and appliances in hotels and designating the testing agencies for such tests;
- (r) requiring and providing for the inspection of equipment and appliances in hotels and prescribing the frequency and the manner of such inspections;

- (s) prescribing classes of contractors and requiring, regulating and providing for the training, testing and registration of them, or any class of them;
- (t) requiring, regulating and providing for the keeping by hotelkeepers of records, statements or reports on tests, inspections, fire alarm drills and evacuation drills;
- (u) requiring and regulating fire prevention and fire protection equipment in hotels;
- (v) requiring and regulating any assembly, material, equipment, appliance or device in hotels which will reduce the likelihood of spread of fire or smoke;
- (w) requiring and regulating any equipment or assembly which will speed up or make the evacuation of a hotel safer and more orderly;
- (x) prescribing what is noncombustible construction for the purposes of this Act. R.S.O. 1960, c. 179, s. 26, *amended*.

20.—(1) Subject to subsection 2, nothing in this Act or the regulations affects any by-law relating to the matters mentioned in this Act or the regulations and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law. R.S.O. 1960, c. 179, s. 27, *amended*. Municipal by-laws not affected

(2) Where conflict exists between any regulation made under this Act and any by-law passed by a municipality in the exercise of its powers, the regulation prevails. *New*. Conflict

21. Neither the granting of a permit by an authority having jurisdiction nor the approval of drawings and specifications by the Fire Marshal nor inspections made by an inspector or any other authority having jurisdiction during construction or alteration of a hotel shall in any way relieve the hotelkeeper of such hotel from full responsibility for carrying out the work in accordance with the requirements of this Act and the regulations. *New*. Responsibility of hotelkeeper

22. *The Hotel Fire Safety Act, The Hotel Fire Safety Amendment Act, 1960-61, The Hotel Fire Safety Amendment Act, 1964, and The Hotel Fire Safety Amendment Act, 1967,* are repealed. R.S.O. 1960, c. 179; 1960-61, c. 36; 1964, c. 41; 1967, c. 37, repealed

Commence-
ment

23. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Hotel Fire Safety Act, 1971*.

The Hotel Fire Safety Act, 1971

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

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BILL 84

Government
Publications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

The Hotel Fire Safety Act, 1971



THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

The Hotel Fire Safety Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Fire Marshal" means the Fire Marshal of Ontario;
- (b) "hotel" means an establishment consisting of one building or two or more connected or adjacent buildings that provides sleeping accommodation for the public and is licensed or required to be licensed under *The Department of Tourism and Information Act, 1966*, or *The Liquor Licence Act*, but does not include a one storey building that,
 - (i) has a total floor area of less than 3,000 square feet,
 - (ii) is not attached to any other building, and
 - (iii) is at least thirty feet distant from any other building that is a hotel within the meaning of this clause;
- (c) "hotelkeeper" means the person who has the management and control of a hotel;
- (d) "inspector" means an inspector appointed under this Act; R.S.O. 1960,
c. 148
- (e) "noncombustible construction" means construction of a type so defined by the regulations;
- (f) "regulations" means the regulations made under this Act;

- (g) “storey” means that part of a building between the top of a floor and the top of the next floor above it, or if there is no floor above it, that part between the top of a floor and the ceiling above it, but does not include a penthouse that is not used by the public, and the storey closest to grade having its ceiling more than six feet above grade shall be deemed to be the first storey. R.S.O. 1960, c. 179, s. 1, *amended*.

Application
of Act

2. This Act applies to every hotel whether constructed before or after this Act comes into force. *New*.

Approval of
plans by
Fire Marshal

3. No person shall,

- (a) construct a hotel;
- (b) construct an addition to a hotel;
- (c) convert a building to a hotel; or
- (d) alter a hotel,

until complete drawings and specifications thereof have been submitted to and approved by the Fire Marshal. *New*.

Structural
assemblies

4. Every hotel and every addition made to a hotel, shall have its structural assemblies including its floor assemblies, load-bearing walls, supporting columns and arches, roof assembly and stairways constructed in the manner and of the materials prescribed by the regulations. *New*.

Exits

5. Every hotel shall have such exits, including exit doorways, corridors and exit stairways, designed, located, maintained, identified, lighted, and in the case of exit doors, equipped with such hardware as the regulations prescribe. *New*.

Fire alarm
system

6. Every hotel shall have in each building that,

- (a) has a total floor area of more than 6,000 square feet;
- (b) is more than one storey in height; or
- (c) does not have direct egress to the outdoors from each sleeping room occupied individually and not as a suite and from each suite,

a fire-alarm system comprised of the components and materials and designed, installed and maintained in the manner prescribed by the regulations. *New*.

7. Every hotel four or more storeys in height and every addition four or more storeys in height made to a hotel, shall have a standpipe and hose system comprised of the components and materials, and designed, installed and maintained in the manner prescribed by the regulations. *New.* Standpipe and hose system

8. Every hotel shall install and maintain portable fire extinguishers of the type and in the number and of such fire extinguisher rating in such manner and location or locations in the hotel as are prescribed by the regulations. *New.* Portable fire extinguishers

9. The interior and exterior finish materials of every hotel shall meet the standards prescribed by the regulations. *New.* Interior and exterior finish

10. Every hotel shall have, Exit signs

- (a) exit signs erected in such manner and in such locations as an inspector orders; and
- (b) direction to exit signs erected in such manner and in such locations as an inspector orders. *New.*

11. Every hotel that is not of noncombustible construction shall have smoke-proof barriers erected in such manner and in such locations as an inspector orders. *New.* Smoke-proof barriers

12. Notwithstanding that a hotel has a fire-alarm system installed in the manner prescribed by the regulations, where the hotel is not of noncombustible construction and is three or more storeys in height, an inspector may order the hotel to install and maintain an automatic sprinkler system having sprinkler head protection in all areas. *New.* Automatic sprinkler system

13. Where an inspector finds that a decoration or drape in a place of assembly, lobby, corridor, stairway or other means of egress in a hotel will propagate flame when a match is held to a sample of the material he may, whether it has been treated with a fire retardant or not, order the material to be treated or retreated or to be removed. *New.* Decorations and drapes

14. Where an inspector finds that a condition exists in a hotel that makes the hotel specially liable to fire, he may order the hotelkeeper to remedy the condition. R.S.O. 1960, c. 179, s. 22. Special powers of inspectors

15.—(1) Where an inspector makes an order under this Act, he shall cause a copy of the order to be delivered to the hotelkeeper by personal service or by registered mail. Orders of inspector

Right of
appeal

(2) If the hotelkeeper feels aggrieved by the order, he may appeal within ten days from the service of the order to the Fire Marshal who shall hear and dispose of the appeal as promptly as is practicable, and he shall prepare written reasons for his decision and cause a copy of his decision and the reasons therefor to be delivered to the hotelkeeper by personal service or by registered mail.

Powers of
Fire Marshal

(3) On an appeal under subsection 2, the Fire Marshal may substitute his findings or opinions for those of the inspector who made the decision appealed from and may affirm or rescind the order or make a new order in substitution therefor and has all the powers of the inspector for such purpose and the decision or order on the appeal shall stand in the place of and have a like effect under this Act as the order of the inspector.

Right of
application
to court

(4) If the hotelkeeper is dissatisfied with the decision of the Fire Marshal, he may, within ten days from the service of the decision, apply to the judge of the county or district court of the county or district in which the hotel is situate for a hearing.

Extension of
time for
appeal

(5) A judge to whom an application is made under subsection 4 may extend the time for making the application either before or after the expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension, and may give such direction as he considers proper consequent upon the extension.

Hearing

(6) Where a hotelkeeper appeals under subsection 4, the judge shall appoint a time for and hear the appeal and the judge may affirm or rescind the order or make a new order in substitution therefor and for such purpose the judge may substitute his opinion for that of the Fire Marshal and his decision is final.

Parties

(7) The hotelkeeper and the Fire Marshal are parties to an appeal under this section.

Findings
of fact

(8) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. R.S.O. 1960, c. 179, s. 23, *amended*.

1971, c. . .

Powers of
inspector

16.—(1) An inspector may, for the purposes of carrying out his duties under this Act, at any reasonable time or times enter and inspect any hotel or any part thereof and may

require the hotelkeeper to produce or furnish any records or documents required to be kept under this Act or the regulations.

(2) No person shall hinder or obstruct an inspector in the performance of his duties or furnish him with false information or refuse to furnish him with information. *New.* ^{Obstructing inspector}

17.—(1) Every hotelkeeper who operates a hotel that does not conform with this Act and the regulations or who fails to comply with any order made by an inspector is guilty of an offence and on summary conviction is liable to a fine of not more than \$1000, and, in addition, the judge may order the hotel to be closed until it is made to conform with this Act and the regulations or with the order of the inspector. ^{Offence}

(2) The conviction under this Act of a hotelkeeper does not operate as a bar to further prosecution under this Act for the continued failure on his part to comply with this Act and the regulations or the order of an inspector, but such continuance constitutes a new and separate offence. ^{Conviction not bar to further charge}
R.S.O. 1960, c. 179, s. 24, *amended*.

18. The Lieutenant Governor in Council may appoint inspectors to enforce this Act and the regulations. ^{Appointment of inspectors}
R.S.O. 1960, c. 179, s. 25, *amended*.

19. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) regulating the construction and alteration of hotels;
- (b) prescribing the design, location, identification, maintenance and lighting of means of egress from hotels and prescribing the type of hardware with which exit doors shall be equipped;
- (c) prescribing the method of construction and the materials to be used in the structural assemblies of hotels;
- (d) prescribing the design of standpipe and hose systems in hotels, prescribing the components and materials to be used in such systems and prescribing the manner in which such systems shall be installed and maintained;
- (e) providing for the exemption from this Act or the regulations or any provision thereof of any hotel or class or classes of hotels either absolutely or

for a limited period of time, and prescribing the terms and conditions thereof;

- (f) prescribing the design of fire alarm systems in hotels, prescribing the components and materials to be used in such systems and prescribing the manner in which such systems shall be installed and maintained;
- (g) regulating the interior and exterior finish materials in hotels;
- (h) requiring and regulating ventilating, air handling and cooking exhaust systems in hotels;
- (i) prescribing the number, type and location of portable fire extinguishers in hotels, their rating and the manner in which they shall be installed and maintained;
- (j) regulating the heating, cooling and air conditioning systems in hotels;
- (k) prescribing standards of housekeeping for hotels;
- (l) requiring the hotelkeeper and his staff to be trained in and to perform duties relating to fire prevention, fire protection, inspection, maintenance of equipment, supervision, fire fighting, sounding alarms, evacuating occupants, and other procedures affecting fire safety, and regulating such procedures;
- (m) controlling or prohibiting the use of any material, equipment, appliance or device in a hotel;
- (n) controlling or prohibiting exhibits and any item for display or sale in a hotel;
- (o) regulating the construction, erection, alteration, installation, removal, operation, or maintenance of any equipment, appliance or device in hotels;
- (p) prohibiting the installation or use of appliances, devices or materials in hotels;
- (q) requiring and regulating tests for building assemblies, materials, equipment and appliances in hotels and designating the testing agencies for such tests;
- (r) requiring and providing for the inspection of equipment and appliances in hotels and prescribing the frequency and the manner of such inspections;

- (s) prescribing classes of contractors and requiring, regulating and providing for the training, testing and registration of them, or any class of them;
- (t) requiring, regulating and providing for the keeping by hotelkeepers of records, statements or reports on tests, inspections, fire alarm drills and evacuation drills;
- (u) requiring and regulating fire prevention and fire protection equipment in hotels;
- (v) requiring and regulating any assembly, material, equipment, appliance or device in hotels which will reduce the likelihood of spread of fire or smoke;
- (w) requiring and regulating any equipment or assembly which will speed up or make the evacuation of a hotel safer and more orderly;
- (x) prescribing what is noncombustible construction for the purposes of this Act. R.S.O. 1960, c. 179, s. 26, *amended*.

20.—(1) Subject to subsection 2, nothing in this Act or the regulations affects any by-law relating to the matters mentioned in this Act or the regulations and lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law. R.S.O. 1960, c. 179, s. 27, *amended*. Municipal by-laws not affected

(2) Where conflict exists between any regulation made under this Act and any by-law passed by a municipality in the exercise of its powers, the regulation prevails. *New*. Conflict

21. Neither the granting of a permit by an authority having jurisdiction nor the approval of drawings and specifications by the Fire Marshal nor inspections made by an inspector or any other authority having jurisdiction during construction or alteration of a hotel shall in any way relieve the hotelkeeper of such hotel from full responsibility for carrying out the work in accordance with the requirements of this Act and the regulations. *New*. Responsibility of hotelkeeper

22. *The Hotel Fire Safety Act, The Hotel Fire Safety Amendment Act, 1960-61, The Hotel Fire Safety Amendment Act, 1964, and The Hotel Fire Safety Amendment Act, 1967,* are repealed. R.S.O. 1960, c. 179; 1960-61, c. 36; 1964, c. 41; 1967, c. 37, repealed

Commence-
ment

23. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Hotel Fire Safety Act, 1971*.

The Hotel Fire Safety Act, 1971

1st Reading

June 24th, 1971

2nd Reading

July 8th, 1971

3rd Reading

July 8th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

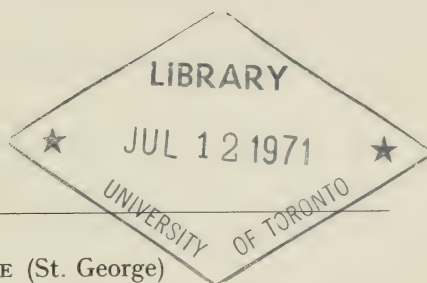
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BILL 85

Government Bill

4TH SESSION, 28TH LEGISLATURE, ~~ONTARIO~~
20 ELIZABETH II, 1971

**An Act to repeal
The Fort William Land Titles and Registry Office Act, 1917**



THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Act repealed divided the District of Thunder Bay into the land titles and registry divisions of Port Arthur and Fort William. The repeal makes possible the combining of the land titles and registry divisions.

BILL 85

1971

**An Act to repeal
The Fort William Land Titles and
Registry Office Act, 1917**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fort William Land Titles and Registry Office Act, 1917* <sup>1917, c. 32,
repealed</sup> is repealed.

2. This Act comes into force on a day to be named by <sup>Commence-
ment</sup> the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Fort William Land Titles and* ^{Short title} *Registry Office Repeal Act, 1971*.

An Act to repeal
The Fort William Land Titles and
Registry Office Act, 1917

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

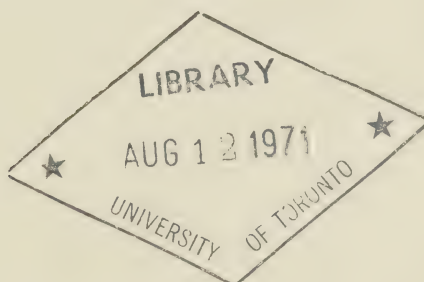
THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to repeal
The Fort William Land Titles and Registry Office Act, 1917**

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

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An Act to repeal
The Fort William Land Titles and
Registry Office Act, 1917

1st Reading

June 24th, 1971

2nd Reading

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3rd Reading

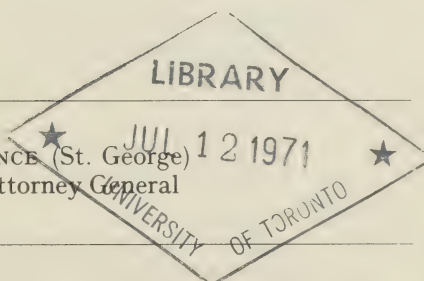
July 13th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surrogate Courts Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The method of administering the oath of office of a surrogate court judge is made the same as that for a county court judge.

SECTION 2. The days on which court offices may be closed are extended to include Boxing Day and Civic Holiday.

BILL 86

1971

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 388, s. 10,
re-enacted

10. Every judge of the surrogate court shall take and subscribe the following oath before the chief judge or a judge designated by him: Oath of
office

I, do swear
that I will, truly and faithfully, according to my skill and
knowledge, execute the several duties, powers and trusts of judge
of The Surrogate Court of the
of. So help me God.

2. Section 16 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 388, s. 16,
re-enacted

16.—(1) In this section, “holiday” means,

Holiday
defined

(a) a holiday as defined in *The Interpretation Act*; R.S.O. 1960,
c. 191

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the surrogate court office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

(2) Except on holidays when they shall be closed, every surrogate court office shall be kept open from Office hours

9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

R.S.O. 1960,
c. 388,
amended

3. *The Surrogate Courts Act* is amended by adding thereto the following section :

Destruction
of documents

18a. Where books, documents, papers or other material have been preserved in the office of the registrar for so long that it appears they need not be preserved any longer, an order authorizing the Inspector of Legal Offices to cause their destruction or other disposition may be made by the Chief Judge of the County and District Courts.

R.S.O. 1960,
c. 388, s. 19,
amended

4. Section 19 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 39,
amended

5. Section 39 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 40,
amended

6. Section 40 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third and fourth lines and in the sixth line and inserting in lieu thereof in each instance "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 41,
amended

7. Section 41 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 42,
amended

8. Section 42 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the first line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 43,
subs. 1,
amended

9.—(1) Subsection 1 of section 43 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the first and second lines and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 43,
subs. 4,
amended

(2) Subsection 4 of the said section 43 is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

SECTION 3. Provision is made for the destruction of papers in surrogate court offices in the same way as in Supreme Court and county court offices.

SECTIONS 4 to 11. The amendment restores the former office of Surrogate Clerk for Ontario, the duties of which are now performed by the Registrar of the Supreme Court.

10. Section 44 of *The Surrogate Courts Act* is amended R.S.O. 1960,
c. 388, s. 44,
amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

11. Section 45 of *The Surrogate Courts Act* is amended R.S.O. 1960,
c. 388, s. 45,
amended by striking out "Registrar of the Supreme Court" in the second and third lines and in the fifth and sixth lines and inserting in lieu thereof in each instance "Surrogate Clerk for Ontario".

12. This Act comes into force on the day it receives Royal Commence-
ment Assent.

13. This Act may be cited as *The Surrogate Courts* Short title *Amendment Act, 1971*.

An Act to amend
The Surrogate Courts Act

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Surrogate Courts Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Surrogate Courts Act

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10. Every judge of the surrogate court shall take and subscribe the following oath before the chief judge or a judge designated by him: Oath of
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4. Section 19 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 39,
amended

5. Section 39 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 40,
amended

6. Section 40 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the third and fourth lines and in the sixth line and inserting in lieu thereof in each instance "Surrogate Clerk for Ontario".

R.S.O. 1960,
c. 388, s. 41,
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7. Section 41 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

R.S.O. 1960,
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8. Section 42 of *The Surrogate Courts Act* is amended by striking out "Registrar of the Supreme Court" in the first line and inserting in lieu thereof "Surrogate Clerk for Ontario".

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R.S.O. 1960,
c. 388, s. 43,
subs. 4,
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(2) Subsection 4 of the said section 43 is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

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c. 388, s. 44,
amended</sup> by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

11. Section 45 of *The Surrogate Courts Act* is amended <sup>R.S.O. 1960,
c. 388, s. 45,
amended</sup> by striking out "Registrar of the Supreme Court" in the second and third lines and in the fifth and sixth lines and inserting in lieu thereof in each instance "Surrogate Clerk for Ontario".

12. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

13. This Act may be cited as *The Surrogate Courts* ^{Short title} *Amendment Act, 1971*.

An Act to amend
The Surrogate Courts Act

1st Reading

June 24th, 1971

2nd Reading

July 8th, 1971

3rd Reading

July 13th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

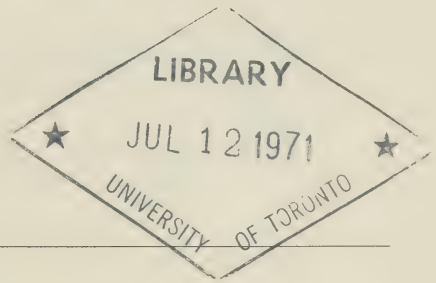
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BILL 87

Publications
Government Bill

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The County Courts Act



THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The amendment provides that an appeal from a taxation by a county court clerk will now follow the steps set out in the rules of court.

BILL 87

1971

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The County Courts Act*, as re-enacted by section 1 of *The County Courts Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 76, s. 7
(1964, c. 12,
s. 1),
subs. 1,
re-enacted

- (1) Subject to subsection 2, the clerk shall tax costs, subject to revision and appeal therefrom as provided by the rules of court.

Taxation
of costs

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1971*.

Short title

An Act to amend
The County Courts Act

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The County Courts Act

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General



TORONTO

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re-enacted

(1) Subject to subsection 2, the clerk shall tax costs, subject to revision and appeal therefrom as provided by the rules of court.

Taxation
of costs

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1971*.

Short title

An Act to amend
The County Courts Act

1st Reading

June 24th, 1971

2nd Reading

July 8th, 1971

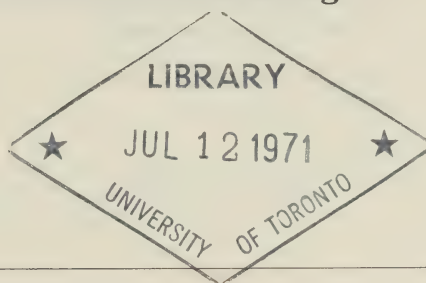
3rd Reading

July 13th, 1971

THE HON. A. F. LAWRENCE (St. George)
Minister of Justice and Attorney General

BILL 88**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Farm Products Marketing Act

THE HON. WM. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to permit the Government of Ontario to participate in any national marketing plan established for a farm product by the Government of Canada.

BILL 88

1971

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Farm Products Marketing Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 137,
amended

19.—(1) The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada providing for,

- (a) the performance by a marketing agency of Canada, on behalf of the Government of Ontario, of any function relating to intra-provincial trade in a regulated product in respect of which the marketing agency may exercise its powers relating to interprovincial or export trade;
- (b) the performance by the Board or any local board of Ontario, on behalf of the Government of Canada, of any function relating to inter-provincial or export trade in a regulated product in respect of which the Board or local board may exercise its powers relating to intraprovincial trade; and
- (c) such other matters relating to intraprovincial and interprovincial or export trade as may be agreed upon by the Minister and the Government of Canada.

(2) The Board or a local board may perform on behalf of the Government of Canada any function relating to interprovincial or export trade in a regulated product that is specified in an agreement entered into under subsection 1. Authority to
exercise
powers
conferred by
agreement

Delegation
of powers

- (3) The Board or a local board may, with the approval of the Lieutenant Governor in Council, grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a regulated product to perform on behalf of the Board or local board any function relating to intraprovincial trade that the Board or local board may perform.

Idem

- (4) The Lieutenant Governor in Council may grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a farm product to regulate the marketing within Ontario of such farm product, and for such purposes to exercise any power that it may exercise in relation to the marketing of such farm product in interprovincial or export trade.

Commence-
ment

- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 3.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1971 (No. 2)*.

Bill 88

An Act to amend
The Farm Products Marketing Act

1st Reading

June 24th, 1971

2nd Reading

3rd Reading

THE HON. WM. A. STEWART
Minister of Agriculture and Food

(Government Bill)

BILL 88

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Farm Products Marketing Act

THE HON. WM. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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c. 137,
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- (a) the performance by a marketing agency of Canada, on behalf of the Government of Ontario, of any function relating to intra-provincial trade in a regulated product in respect of which the marketing agency may exercise its powers relating to interprovincial or export trade;
- (b) the performance by the Board or any local board of Ontario, on behalf of the Government of Canada, of any function relating to inter-provincial or export trade in a regulated product in respect of which the Board or local board may exercise its powers relating to intraprovincial trade; and
- (c) such other matters relating to intraprovincial and interprovincial or export trade as may be agreed upon by the Minister and the Government of Canada.

(2) The Board or a local board may perform on behalf of the Government of Canada any function relating to interprovincial or export trade in a regulated product that is specified in an agreement entered into under subsection 1. Authority to
exercise
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- (3) The Board or a local board may, with the approval of the Lieutenant Governor in Council, grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a regulated product to perform on behalf of the Board or local board any function relating to intraprovincial trade that the Board or local board may perform.

Idem

- (4) The Lieutenant Governor in Council may grant authority to any marketing agency of Canada that is authorized to exercise powers of regulation in relation to interprovincial or export trade in a farm product to regulate the marketing within Ontario of such farm product, and for such purposes to exercise any power that it may exercise in relation to the marketing of such farm product in interprovincial or export trade.

Commence-
ment

- 2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 3.** This Act may be cited as *The Farm Products Marketing Amendment Act, 1971 (No. 2)*.

An Act to amend
The Farm Products Marketing Act

1st Reading

June 24th, 1971

2nd Reading

July 8th, 1971

3rd Reading

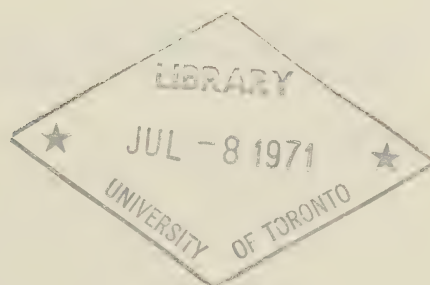
July 8th, 1971

THE HON. WM. A. STEWART
Minister of Agriculture and Food

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Improvement Act

THE HON. C. MACNAUGHTON
Minister of Transportation and Communications



TORONTO

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EXPLANATORY NOTES

SECTION 1. This section changes the name of *The Highway Improvement Act* to *The Public Transportation and Highway Improvement Act* to indicate the new role and emphasis of the Department.

SECTION 2. The provision allows the Minister to authorize the temporary closing of a municipal highway that gives access to the King's Highway.

SECTION 3. Provision is made for the temporary closing of a highway under the jurisdiction of the Department to permit the temporary use of the highway for municipal celebrations or other local purposes.

SECTION 4. The requirement that the appointment of a county road superintendent be approved by the Minister is deleted.

BILL 89

1971

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The title to *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171,
title,
re-enacted

The Public Transportation and Highway Improvement Act.

- 2.** Section 25 of *The Highway Improvement Act*, as amended by section 4 of *The Highway Improvement Amendment Act, 1970*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 171, s. 25,
amended

- (3) Notwithstanding subsection 2, where such a highway is to be closed for a specified period of time not exceeding seventy-two hours and in the opinion of the Minister there is an adequate detour for through traffic, the approval of the by-law may be given by the Minister.

Consent to
temporary
closing of
highway

- 3.** Section 29 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 171, s. 29,
amended

- (4) Notwithstanding subsection 1, the Minister may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed for a specified period of time not exceeding seventy-two hours where, in the opinion of the Minister, there is an adequate detour for through traffic.

Temporary
closing

- 4.** Subsection 4 of section 47 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 47,
subs. 4,
re-enacted

Copy of
by-law to be
sent to
Minister

- (4) A copy of every by-law appointing a county road superintendent shall be transmitted to the Minister within thirty days of the passing thereof.

R.S.O. 1960,
c. 171, s. 50,
re-enacted

5. Section 50 of *The Highway Improvement Act*, as amended by section 7 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Allocation
of moneys by
Minister

- 50.—(1) The Minister shall annually advise every county that has established a county road system and adopted a plan of road construction and maintenance of the moneys he has allocated to the county for road improvements for that year and the county shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.

Supple-
mentary
allocation

- (2) A county may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent and the Minister may make such supplementary allocation as he considers appropriate.

Power to
spend
moneys not
limited

- (3) This section does not limit the power of a county to spend moneys raised by it under the provisions of a by-law passed under section 45.

R.S.O. 1960,
c. 171, s. 51,
subs. 1,
cl. d,
re-enacted

6.—(1) Clause *d* of subsection 1 of section 51 of *The Highway Improvement Act* is repealed and the following substituted therefor:

- (*d*) a request, authorized by resolution of the council or in the case of an interim statement by resolution of the county road committee, for the payment of moneys allocated under section 50.

R.S.O. 1960,
c. 171, s. 51,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Where rate
may be
varied

- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the county treasurer out of the moneys allocated under section 50 of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

SECTION 5. The section is revised to allow the Minister to allocate to a county the amount of provincial assistance for road improvements in any year without limiting the expenditure by the county for such purposes.

SECTION 6. Section 51 is amended to provide financial assistance to a county in accordance with the allocation made under section 50. Provision is made for advance payments up to 60 per cent of the allocation.

SECTION 7. Special reference to the salary and expenses of the township road superintendent is deleted and the salary and expenses will become part of the expenditure on road improvements. The requirement for the approval of the Minister to the appointment of the road superintendent is deleted.

SECTION 8. This section is revised to allow the Minister to allocate to a township the amount of provincial assistance for road improvements in any year without limiting the expenditure by the township for such purposes.

(3) Subsection 4 of the said section 51, as enacted by subsection 2 of section 8 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 51,
subs. 4
(1962-63,
c. 55, s. 8,
subs. 2),
re-enacted

- (4) Notwithstanding subsection 1 but subject to section 50, the Minister may, in his discretion, direct payment to the county treasurer, Advance payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause a does not exceed 60 per cent,

of the moneys allocated to the county under subsection 1 of section 50.

- (5) The total of all payments made to a county under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of money allocated to such county for that year under section 50. Limitation on payments

7. Subsections 1 and 2 of section 75 of *The Highway Improvement Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 75,
subss. 1, 2,
re-enacted

- (1) Every township shall by by-law appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads. Township road superintendent

- (2) A copy of every by-law appointing a township road superintendent shall be transmitted to the Minister within thirty days of the passing thereof. Copy of by-law to be sent to Minister

8.—(1) Subsection 2 of section 76 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 76,
subs. 2,
re-enacted

- (2) The Minister shall annually advise every township of the amount of moneys he has allocated to the township for road improvements for that year, and the township shall not later than the 31st day of March file with the Minister a detailed estimate showing how such allocation is proposed to be spent. Allocation of moneys by Minister

R.S.O. 1960,
c. 171, s. 76,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 76, as amended by subsection 1 of section 12 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Supple-
mentary
allocation

(3) A township may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent, and the Minister may make such supplementary allocation as he considers appropriate.

R.S.O. 1960,
c. 171, s. 76,
subs. 4,
re-enacted

(3) Subsection 4 of the said section 76 is repealed and the following substituted therefor:

Minister
may
designate
work

(4) The Minister may direct that a payment to a township under this Part shall be made in respect only of the expenditure on such road improvements as he designates and in every such case the estimate filed under subsection 2 shall cover only the estimated expenditure on work so designated.

Power to
spend moneys
not limited

(5) This section does not limit the power of a township to spend moneys raised by it for road improvements.

R.S.O. 1960,
c. 171, s. 79,
subs. 1, cl. d,
re-enacted

9.—(1) Clause *d* of subsection 1 of section 79 of *The Highway Improvement Act* is repealed and the following substituted therefor:

(d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 76.

R.S.O. 1960,
c. 171, s. 79,
subss. 2, 3,
re-enacted

(2) Subsections 2 and 3 of the said section 79 are repealed and the following substituted therefor:

Payment to
township

(2) Upon the receipt of the statement, declarations and request, the Minister may direct payment to the township treasurer out of the moneys allocated under section 76 of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

Where rate
may be
varied

(3) Notwithstanding subsection 2, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys allocated under section 76 of such amount as he considers requisite,

SECTION 9. Section 79 is amended to provide financial assistance to a township in accordance with the allocation under section 76. Provision is made for advance payments up to 60 per cent of the allocation.

SECTION 10. This section is revised to allow the Minister to allocate to a city, town or village the amount of provincial assistance for road improvements in any year without limiting the expenditure by the city, town or village for such purposes.

(a) in the case of a bridge or culvert, up to 100 per cent ; and

(b) in the case of any other road improvement, up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement.

(3) Subsection 5 of the said section 79, as enacted by section 13 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 171, s. 79, subs. 5 (1962-63, c. 55, s. 13), re-enacted

(5) Notwithstanding subsection 1, but subject to subsection 2 of section 76, the Minister may, in his discretion, direct payment to the township treasurer, Advance payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent ; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause a does not exceed 60 per cent,

of the moneys allocated to the township under subsection 2 of section 76.

(6) The total of all payments made to a township under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such township for that year under section 76. Limitation on payments

10. Section 82 of *The Highway Improvement Act*, as amended by section 14 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 171, s. 82, re-enacted

82.—(1) The Minister shall annually advise every city, town and village of the moneys he has allocated to the city, town or village for road improvements for that year and the city, town or village shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent. Allocation of moneys by Minister

(2) A city, town or village may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys Supplementary allocation

for road improvements together with a detailed estimate showing how such allocation is proposed to be spent, and the Minister may make such supplementary allocation as he considers appropriate.

Limitation
on payments

- (3) No payment shall be made to any city or separated town in a county that does not contribute towards the construction and maintenance of suburban roads.

Power to
spend moneys
not limited

- (4) This section does not limit the power of a city, town or village to spend moneys raised by it for road improvement.

R.S.O. 1960,
c. 171, s. 83,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 83 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Annual
statement
to Minister

- (1) The city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;

(c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and

(d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 82.

R.S.O. 1960,
c. 171, s. 83,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 83, as amended by section 1 of *The Highway Improvement Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Payment to
municipality

- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality out of moneys allocated under section 82 of an amount equal to 50 per cent of the amount of the expenditure that is properly

SECTION 11. Section 83 is amended to provide financial assistance to a city, town or village in accordance with the allocation under section 82. Provision is made for advance payments up to 60 per cent of the allocation.

SECTION 12. This Part is enacted to allow the Minister to allocate to a district, metropolitan or regional municipality the amount of provincial assistance for road improvements in any year without limiting the expenditure by the municipality for such purposes and to provide for the payment of subsidy in accordance with such allocation. Provision is made for advance payments up to 60 per cent of such allocation.

chargeable to road improvement and in all cases the decision of the Minister is final.

(3) Subsection 3 of the said section 83 is repealed and the following substituted therefor: R.S.O. 1960,
c. 171, s. 83,
subs. 3,
re-enacted

(3) Notwithstanding subsection 2, in the case of a town Where rate
may be
varied
not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys allocated under section 82 of such amount as he considers requisite in the case of a bridge or culvert not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(4) Subsection 5 of the said section 83, as enacted by R.S.O. 1960,
c. 171, s. 83,
subs. 5
(1962-63,
c. 55, s. 15),
re-enacted
section 15 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(5) Notwithstanding subsection 1 but subject to section Advance
payments
82, the Minister may, in his discretion direct payment to the treasurer of the municipality,

(a) on or after the 1st day of April in any year,
of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year,
of a further sum which, together with the sum
paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the municipality under
subsection 1 of section 82.

(6) The total of all payments made to a municipality Limitation
on payments
under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 82.

12. *The Highway Improvement Act* is amended by adding R.S.O. 1960,
c. 171,
amended
thereto the following Part:

PART X-A

DISTRICT, METROPOLITAN AND REGIONAL MUNICIPAL ROADS

Application	89a. Notwithstanding Part V of <i>The Municipality of Metropolitan Toronto Act</i> , Part V of <i>The Regional Municipality of Ottawa-Carleton Act</i> , 1968, Part V of <i>The Regional Municipality of Niagara Act</i> , 1968-69, Part V of <i>The Regional Municipality of York Act</i> , 1970 and Part IV of <i>The District Municipality of Muskoka Act</i> , 1970, this Part shall apply in the year 1971 and in subsequent years.
R.S.O. 1960, c. 260 1968, c. 115 1968-69, c. 106 1970, cc. 50, 32	
Interpre- tation	89b. In this Part, "municipality", means a district, metropolitan or regional municipality.
Allocation of moneys by Minister	89c.—(1) The Minister shall annually advise every municipality of the moneys he has allocated to the municipality for road improvements for that year and the municipality shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.
Supple- mentary allocation	(2) A municipality may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent and the Minister may make such supplementary allocation as he considers appropriate.
Power to spend moneys not limited	(3) This section does not limit the power of a municipality to spend moneys raised by it for road improvement.
Annual statement to Minister	89d.—(1) The municipality shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister, <ul style="list-style-type: none"> (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister; (b) a declaration of the person appointed to administer and manage the municipality's road system that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;

- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct ; and
 - (d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 89c.
- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality out of moneys allocated under section 89c of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to municipality
- (3) Notwithstanding subsection 2 but subject to section 89c, the Minister may, in his discretion, direct payment to the treasurer of the municipality, Advance payments
- (a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent ; and
 - (b) on or after the 1st day of July in any year, of a further sum which together with the sum paid under clause a does not exceed 60 per cent,
- of the moneys allocated to the municipality under subsection 1 of section 89c.
- (4) Notwithstanding subsection 2, where a plan of construction and maintenance of a municipality's road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs required to implement the plan and the financial capability of the municipality, direct payment to the treasurer of the municipality out of moneys allocated under section 89c of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment for road improvement
- (5) The total of all payments made to a municipality under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 89c. Limitation on payments

R.S.O. 1960,
c. 171,
Part XII-A
(1962-63,
c. 55, s. 17),
re-enacted

13. Part XII-A of *The Highway Improvement Act*, as enacted by section 17 of *The Highway Improvement Amendment Act, 1962-63* and amended by section 6 of *The Highway Improvement Amendment Act, 1967* and section 2 of *The Highway Improvement Amendment Act, 1968-69*, is repealed and the following substituted therefor:

PART XII-A

SUBWAY CONSTRUCTION

Interpre-
tation

91a.—(1) In this Part,

- (a) “municipality” includes a metropolitan or regional municipality;
- (b) “subway” means a rapid transit system or part thereof designated by the Lieutenant Governor in Council and includes those parts of the rapid transit system of the Toronto Transit Commission known as,
 - (i) the Bloor-Danforth Subway, and
 - (ii) the Yonge Street Subway.

Items
properly
chargeable
to subway
construction

- (2) For the purposes of this Part, a municipality may properly charge to subway construction the cost of,
 - (a) the planning and design of the subway;
 - (b) the acquisition of land required for the subway right-of-way, stations and yards;
 - (c) clearing the right-of-way of the subway of obstructions;
 - (d) taking up, removing or changing the location of public utilities;
 - (e) constructing tunnels, stations and other structures incidental to the subway;
 - (f) constructing the roadbed for the subway including the under-drainage, tracks, rails or other surface or facility upon which to operate the subway trains or vehicles;
 - (g) subway cars and other rolling stock;

SECTION 13. Part XII-A is re-enacted to broaden the items on which a municipality may receive financial assistance for the construction of a subway or other rapid transit system designated by the Lieutenant Governor in Council.

(h) constructing,

- (i) storage and maintenance yards or depots for subway cars and other rolling stock,
- (ii) power conditioning and distribution systems,
- (iii) train control, signalling and safety systems,
- (iv) communication and surveillance systems; and
- (i) such other equipment, works or services required for or in connection with the subway as the Minister may approve.

91b.—(1) The Minister shall annually advise every municipality engaged in, or proposing to engage in, the construction of a subway of the amount of moneys he has allocated to the municipality for subway construction for that year and the municipality shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent. Allocation of moneys by Minister

(2) A municipality may submit to the Minister in the year in which the expenditure is to be made a request for an initial or a supplementary allocation of moneys for subway construction together with a detailed estimate of how such allocation is proposed to be spent and the Minister may make such allocation or supplementary allocation as he considers appropriate. Supplementary allocation

(3) Where the Minister has made an allocation of moneys under subsection 1 or 2, the municipality shall annually and, with the consent of the Minister may at any time during the year submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in respect of the subway in the form prescribed by the Minister;
- (b) a declaration of the treasurer of the municipality that the statement is correct;
- (c) a declaration of the officer of the municipality or other officer responsible for the subway

construction that the statement contains only receipts and expenditures for such construction; and

- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 1.

Payment to
municipality

- (4) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of moneys allocated under subsection 1 or 2 of an amount equal to 50 per cent of the expenditure properly chargeable to subway construction and in all cases of doubt or dispute the decision of the Minister is final.

Advance
payment

- (5) Notwithstanding subsection 4 but subject to subsections 1 and 2, the Minister may, in his discretion, direct payment to the treasurer of the municipality,

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys initially allocated to the municipality under subsection 1 or 2.

Limitation
on payments

- (6) The total of all payments made to a municipality under this section in respect of expenditures made for subway construction in any year shall not exceed the amount of money allocated to such municipality under this section for that year.

Power to
spend
moneys
not limited

- (7) This section does not limit the power of a municipality to spend moneys raised by it for subway construction.

R.S.O. 1960,
c. 171,
amended

14. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART XII-B

PUBLIC TRANSPORTATION

Interpre-
tation

91c.—(1) In this Part,

- (a) “municipality” includes a district, metropolitan or regional municipality;

SECTION 14. This Part provides for financial assistance to municipalities in respect of expenditures for public transportation.

- (b) "public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or under an agreement between a municipality and a person, firm or corporation but does not include transportation by special purpose facilities such as school buses or ambulances.
- (2) The Minister may, having regard for the expenditures made by a municipality in respect of public transportation, including where applicable expenditures in respect of, ^{Determination of financial assistance}
- (a) the purchase or rental, maintenance and operation of street cars, buses, trolley buses and other public transportation vehicles designated by the Minister;
 - (b) the acquisition of land for and the construction and maintenance of right-of-way, storage and maintenance yards or depots, stations, passenger shelters and similar facilities;
 - (c) agreements, approved by the Minister, with a public utilities commission, or a person, firm or corporation for the supply of public transportation; and
 - (d) such other equipment, works or services required for or in connection with public transportation as the Minister may approve,

and having regard for the revenue produced by the operation of the public transportation service, determine the extent to which such expenditures are eligible for financial assistance, but no financial assistance shall be payable under this section in respect of expenditures properly chargeable to subway construction under Part XII-A.

- (3) Where the Minister has determined the extent to which the expenditures made by a municipality are eligible for financial assistance under subsection 2, the expenditures, to such extent, shall be eligible for financial assistance out of money allocated to the municipality for road improvements at the same rate and in the same manner as expenditures properly chargeable to road improvements, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to municipality}

Municipal
assistance
to public
transporta-
tion service

- (4) Notwithstanding the provisions of any public or private Act, a municipality may contribute toward the cost of any public transportation service provided within the municipality and the operators of such service shall apply such contribution toward such cost.

Demonstra-
tion projects

- (5) The Minister and a municipality may enter into an agreement to provide an experimental or demonstration project related to public transportation.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Highway Improvement Amendment Act, 1971*.

An Act to amend
The Highway Improvement Act

1st Reading

June 28th, 1971

2nd Reading

3rd Reading

THE HON. C. MACNAUGHTON
Minister of Transportation
and Communications

(Government Bill)

BILL 89

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Improvement Act

THE HON. C. MACNAUGHTON
Minister of Transportation and Communications



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

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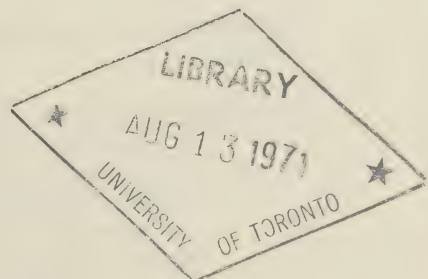
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BILL 89

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Highway Improvement Act

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Minister of Transportation and Communications



BILL 89

1971

An Act to amend The Highway Improvement Act

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1. The title to *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171,
title,
re-enacted

The Public Transportation and Highway Improvement Act.

2. Section 25 of *The Highway Improvement Act*, as amended by section 4 of *The Highway Improvement Amendment Act, 1970*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 171, s. 25,
amended

- (3) Notwithstanding subsection 2, where such a highway is to be closed for a specified period of time not exceeding seventy-two hours and in the opinion of the Minister there is an adequate detour for through traffic, the approval of the by-law may be given by the Minister.

Consent to
temporary
closing of
highway

3. Section 29 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 171, s. 29,
amended

- (4) Notwithstanding subsection 1, the Minister may direct that any part of the King's Highway or any part of any other highway that is under the jurisdiction and control of the Department may be closed for a specified period of time not exceeding seventy-two hours where, in the opinion of the Minister, there is an adequate detour for through traffic.

Temporary
closing

4. Subsection 4 of section 47 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 47,
subs. 4,
re-enacted

Copy of
by-law to be
sent to
Minister

- (4) A copy of every by-law appointing a county road superintendent shall be transmitted to the Minister within thirty days of the passing thereof.

R.S.O. 1960,
c. 171, s. 50,
re-enacted

5. Section 50 of *The Highway Improvement Act*, as amended by section 7 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Allocation
of moneys by
Minister

- 50.—(1) The Minister shall annually advise every county that has established a county road system and adopted a plan of road construction and maintenance of the moneys he has allocated to the county for road improvements for that year and the county shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.

Supple-
mentary
allocation

- (2) A county may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent and the Minister may make such supplementary allocation as he considers appropriate.

Power to
spend
moneys not
limited

- (3) This section does not limit the power of a county to spend moneys raised by it under the provisions of a by-law passed under section 45.

R.S.O. 1960,
c. 171, s. 51,
subs. 1,
cl. d,
re-enacted

6.—(1) Clause *d* of subsection 1 of section 51 of *The Highway Improvement Act* is repealed and the following substituted therefor:

- (*d*) a request, authorized by resolution of the council or in the case of an interim statement by resolution of the county road committee, for the payment of moneys allocated under section 50.

R.S.O. 1960,
c. 171, s. 51,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Where rate
may be
varied

- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the county treasurer out of the moneys allocated under section 50 of an amount equal to 50 per cent, or in the case of a bridge or culvert an amount not exceeding 80 per cent, of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

(3) Subsection 4 of the said section 51, as enacted by subsection 2 of section 8 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 51,
subs. 4
(1962-63,
c. 55, s. 8,
subs. 2),
re-enacted

(4) Notwithstanding subsection 1 but subject to section 50, the Minister may, in his discretion, direct payment to the county treasurer,

Advance
payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the county under subsection 1 of section 50.

(5) The total of all payments made to a county under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of money allocated to such county for that year under section 50.

Limitation
on payments

7. Subsections 1 and 2 of section 75 of *The Highway Improvement Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 75,
subs. 1, 2,
re-enacted

(1) Every township shall by by-law appoint a township road superintendent who, subject to the direction of the council, shall inspect all roads under the jurisdiction and control of the township and shall lay out and supervise all work on such roads.

Township
road
super-
intendent

(2) A copy of every by-law appointing a township road superintendent shall be transmitted to the Minister within thirty days of the passing thereof.

Copy of
by-law to be
sent to
Minister

8.—(1) Subsection 2 of section 76 of *The Highway Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 76,
subs. 2,
re-enacted

(2) The Minister shall annually advise every township of the amount of moneys he has allocated to the township for road improvements for that year, and the township shall not later than the 31st day of March file with the Minister a detailed estimate showing how such allocation is proposed to be spent.

Allocation
of moneys
by Minister

R.S.O. 1960,
c. 171, s. 76,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 76, as amended by subsection 1 of section 12 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Supple-
mentary
allocation

(3) A township may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent, and the Minister may make such supplementary allocation as he considers appropriate.

R.S.O. 1960,
c. 171, s. 76,
subs. 4,
re-enacted

(3) Subsection 4 of the said section 76 is repealed and the following substituted therefor:

Minister
may
designate
work

(4) The Minister may direct that a payment to a township under this Part shall be made in respect only of the expenditure on such road improvements as he designates and in every such case the estimate filed under subsection 2 shall cover only the estimated expenditure on work so designated.

Power to
spend moneys
not limited

(5) This section does not limit the power of a township to spend moneys raised by it for road improvements.

R.S.O. 1960,
c. 171, s. 79,
subs. 1, cl. d,
re-enacted

9.—(1) Clause *d* of subsection 1 of section 79 of *The Highway Improvement Act* is repealed and the following substituted therefor:

(*d*) a request, authorized by resolution of the council, for the payment of moneys allocated under section 76.

R.S.O. 1960,
c. 171, s. 79,
subss. 2, 3,
re-enacted

(2) Subsections 2 and 3 of the said section 79 are repealed and the following substituted therefor:

Payment to
township

(2) Upon the receipt of the statement, declarations and request, the Minister may direct payment to the township treasurer out of the moneys allocated under section 76 of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement and in all cases the decision of the Minister is final.

Where rate
may be
varied

(3) Notwithstanding subsection 2, the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the moneys allocated under section 76 of such amount as he considers requisite,

(a) in the case of a bridge or culvert, up to 100 per cent; and

(b) in the case of any other road improvement, up to 80 per cent,

of the amount of the expenditure that is properly chargeable to road improvement.

(3) Subsection 5 of the said section 79, as enacted by R.S.O. 1960, c. 171, s. 79, subs. 5 (1962-63, c. 55, s. 13), re-enacted section 13 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(5) Notwithstanding subsection 1, but subject to sub- Advance payments section 2 of section 76, the Minister may, in his discretion, direct payment to the township treasurer,

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the township under subsection 2 of section 76.

(6) The total of all payments made to a township Limitation on payments under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such township for that year under section 76.

10. Section 82 of *The Highway Improvement Act*, as amended R.S.O. 1960, c. 171, s. 82, re-enacted by section 14 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

82.—(1) The Minister shall annually advise every city, Allocation of moneys by Minister town and village of the moneys he has allocated to the city, town or village for road improvements for that year and the city, town or village shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.

(2) A city, town or village may submit to the Minister Supplementary allocation in the year in which the expenditure is to be made a request for a supplementary allocation of moneys

for road improvements together with a detailed estimate showing how such allocation is proposed to be spent, and the Minister may make such supplementary allocation as he considers appropriate.

Limitation
on payments

- (3) No payment shall be made to any city or separated town in a county that does not contribute towards the construction and maintenance of suburban roads.

Power to
spend moneys
not limited

- (4) This section does not limit the power of a city, town or village to spend moneys raised by it for road improvement.

R.S.O. 1960,
c. 171, s. 83,
subs. 1,
re-enacted

11.—(1) Subsection 1 of section 83 of *The Highway Improvement Act* is repealed and the following substituted therefor:

Annual
statement
to Minister

- (1) The city, town or village shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance submit to the Minister,

(a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;

(b) a declaration of the engineer or other officer of the municipality who is charged with the responsibility of directing and supervising the work that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister;

(c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct; and

(d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 82.

R.S.O. 1960,
c. 171, s. 83,
subs. 2,
re-enacted

(2) Subsection 2 of the said section 83, as amended by section 1 of *The Highway Improvement Amendment Act, 1968-69*, is repealed and the following substituted therefor:

Payment to
municipality

- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality out of moneys allocated under section 82 of an amount equal to 50 per cent of the amount of the expenditure that is properly

chargeable to road improvement and in all cases the decision of the Minister is final.

(3) Subsection 3 of the said section 83 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 83,
subs. 3,
re-enacted

(3) Notwithstanding subsection 2, in the case of a town not being a separated town or of a village, the Minister, having regard to the economic condition of the town or village and the adequacy of its plan of road improvement, may direct payment to the treasurer of the town or village out of the moneys allocated under section 82 of such amount as he considers requisite in the case of a bridge or culvert not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Where rate
may be
varied

(4) Subsection 5 of the said section 83, as enacted by section 15 of *The Highway Improvement Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 171, s. 83,
subs. 5
(1962-63,
c. 55, s. 15),
re-enacted

(5) Notwithstanding subsection 1 but subject to section 82, the Minister may, in his discretion direct payment to the treasurer of the municipality,

Advance
payments

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent; and

(b) on or after the 1st day of July in any year, of a further sum which, together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys allocated to the municipality under subsection 1 of section 82.

(6) The total of all payments made to a municipality under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 82.

Limitation
on payments

12. *The Highway Improvement Act* is amended by adding thereto the following Part:

R.S.O. 1960,
c. 171,
amended

PART X-A

DISTRICT, METROPOLITAN AND REGIONAL MUNICIPAL ROADS

- | | |
|---|---|
| <p>Application</p> <p>R.S.O. 1960,
c. 260
1968, c. 115
1968-69, c. 106
1970, cc. 50, 32</p> | <p>89a. Notwithstanding Part V of <i>The Municipality of Metropolitan Toronto Act</i>, Part V of <i>The Regional Municipality of Ottawa-Carleton Act</i>, 1968, Part V of <i>The Regional Municipality of Niagara Act</i>, 1968-69, Part V of <i>The Regional Municipality of York Act</i>, 1970 and Part IV of <i>The District Municipality of Muskoka Act</i>, 1970, this Part shall apply in the year 1971 and in subsequent years.</p> |
| <p>Interpre-
tation</p> | <p>89b. In this Part, "municipality", means a district, metropolitan or regional municipality.</p> |
| <p>Allocation
of moneys
by Minister</p> | <p>89c.—(1) The Minister shall annually advise every municipality of the moneys he has allocated to the municipality for road improvements for that year and the municipality shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent.</p> |
| <p>Supple-
mentary
allocation</p> | <p>(2) A municipality may submit to the Minister in the year in which the expenditure is to be made a request for a supplementary allocation of moneys for road improvements together with a detailed estimate showing how such allocation is proposed to be spent and the Minister may make such supplementary allocation as he considers appropriate.</p> |
| <p>Power to
spend moneys
not limited</p> | <p>(3) This section does not limit the power of a municipality to spend moneys raised by it for road improvement.</p> |
| <p>Annual
statement
to Minister</p> | <p>89d.—(1) The municipality shall annually, and may with the consent of the Minister at any time during the progress of road construction or maintenance, submit to the Minister,</p> <ul style="list-style-type: none"> (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister; (b) a declaration of the person appointed to administer and manage the municipality's road system that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department; |

- (c) a declaration of the treasurer of the municipality that the statement of receipts and expenditures is correct ; and
 - (d) a request, authorized by resolution of the council, for the payment of moneys allocated under section 89c.
- (2) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality out of moneys allocated under section 89c of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to municipality
- (3) Notwithstanding subsection 2 but subject to section 89c, the Minister may, in his discretion, direct payment to the treasurer of the municipality, Advance payments
- (a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent ; and
 - (b) on or after the 1st day of July in any year, of a further sum which together with the sum paid under clause a does not exceed 60 per cent,
- of the moneys allocated to the municipality under subsection 1 of section 89c.
- (4) Notwithstanding subsection 2, where a plan of construction and maintenance of a municipality's road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs required to implement the plan and the financial capability of the municipality, direct payment to the treasurer of the municipality out of moneys allocated under section 89c of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment for road improvement
- (5) The total of all payments made to a municipality under this section and section 91c in respect of expenditures for road improvements and public transportation made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 89c. Limitation on payments

R.S.O. 1960,
c. 171,
Part XII-A
(1962-63,
c. 55, s. 17),
re-enacted

13. Part XII-A of *The Highway Improvement Act*, as enacted by section 17 of *The Highway Improvement Amendment Act, 1962-63* and amended by section 6 of *The Highway Improvement Amendment Act, 1967* and section 2 of *The Highway Improvement Amendment Act, 1968-69*, is repealed and the following substituted therefor:

PART XII-A

SUBWAY CONSTRUCTION

Interpre-
tation

91a.—(1) In this Part,

- (a) “municipality” includes a metropolitan or regional municipality;
- (b) “subway” means a rapid transit system or part thereof designated by the Lieutenant Governor in Council and includes those parts of the rapid transit system of the Toronto Transit Commission known as,
 - (i) the Bloor-Danforth Subway, and
 - (ii) the Yonge Street Subway.

Items
properly
chargeable
to subway
construction

- (2) For the purposes of this Part, a municipality may properly charge to subway construction the cost of,
 - (a) the planning and design of the subway;
 - (b) the acquisition of land required for the subway right-of-way, stations and yards;
 - (c) clearing the right-of-way of the subway of obstructions;
 - (d) taking up, removing or changing the location of public utilities;
 - (e) constructing tunnels, stations and other structures incidental to the subway;
 - (f) constructing the roadbed for the subway including the under-drainage, tracks, rails or other surface or facility upon which to operate the subway trains or vehicles;
 - (g) subway cars and other rolling stock;

(h) constructing,

- (i) storage and maintenance yards or depots for subway cars and other rolling stock,
- (ii) power conditioning and distribution systems,
- (iii) train control, signalling and safety systems,
- (iv) communication and surveillance systems; and

(i) such other equipment, works or services required for or in connection with the subway as the Minister may approve.

91b.—(1) The Minister shall annually advise every municipality engaged in, or proposing to engage in, the construction of a subway of the amount of moneys he has allocated to the municipality for subway construction for that year and the municipality shall file with the Minister not later than the 31st day of March a detailed estimate showing how such allocation is proposed to be spent. Allocation of moneys by Minister

(2) A municipality may submit to the Minister in the year in which the expenditure is to be made a request for an initial or a supplementary allocation of moneys for subway construction together with a detailed estimate of how such allocation is proposed to be spent and the Minister may make such allocation or supplementary allocation as he considers appropriate. Supplementary allocation

(3) Where the Minister has made an allocation of moneys under subsection 1 or 2, the municipality shall annually and, with the consent of the Minister may at any time during the year submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in respect of the subway in the form prescribed by the Minister;
- (b) a declaration of the treasurer of the municipality that the statement is correct;
- (c) a declaration of the officer of the municipality or other officer responsible for the subway

construction that the statement contains only receipts and expenditures for such construction ; and

- (d) a request, authorized by resolution of the council of the municipality, for payment of moneys allocated under subsection 1.

Payment to
municipality

- (4) Upon receipt of the statement, declarations and request, the Minister may direct payment to the treasurer of the municipality, out of moneys allocated under subsection 1 or 2 of an amount equal to 50 per cent of the expenditure properly chargeable to subway construction and in all cases of doubt or dispute the decision of the Minister is final.

Advance
payment

- (5) Notwithstanding subsection 4 but subject to subsections 1 and 2, the Minister may, in his discretion, direct payment to the treasurer of the municipality,

(a) on or after the 1st day of April in any year, of a sum not exceeding 30 per cent ; and

(b) on or after the 1st day of July in any year, of a further sum which together with the sum paid under clause *a* does not exceed 60 per cent,

of the moneys initially allocated to the municipality under subsection 1 or 2.

Limitation
on payments

- (6) The total of all payments made to a municipality under this section in respect of expenditures made for subway construction in any year shall not exceed the amount of money allocated to such municipality under this section for that year.

Power to
spend
moneys
not limited

- (7) This section does not limit the power of a municipality to spend moneys raised by it for subway construction.

Contributions to be
deducted

- (8) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

R.S.O. 1960,
c. 171,
amended

14. *The Highway Improvement Act* is amended by adding thereto the following Part :

PART XII-B

PUBLIC TRANSPORTATION

91c.—(1) In this Part,

Interpre-
tation

- (a) “municipality” includes a district, metropolitan or regional municipality;
- (b) “public transportation” means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation but does not include transportation by special purpose facilities such as school buses or ambulances.
- (2) The Minister may, having regard for the expenditures made by a municipality in respect of public transportation, including where applicable expenditures in respect of, Determination of financial assistance
 - (a) the purchase or rental, maintenance and operation of street cars, buses, trolley buses and other public transportation vehicles designated by the Minister;
 - (b) the acquisition of land for and the construction and maintenance of right-of-way, storage and maintenance yards or depots, stations, passenger shelters and similar facilities;
 - (c) agreements, approved by the Minister, with a public utilities commission, or a person, firm or corporation for the supply of public transportation; and
 - (d) such other equipment, works or services required for or in connection with public transportation as the Minister may approve,

and having regard for the cost of and the revenue produced by the operation of the public transportation service, determine the extent to which such expenditures are eligible for financial assistance, but no financial assistance shall be payable under this section in respect of expenditures properly chargeable to subway construction under Part XII-A.

Payment to
municipality

- (3) Where the Minister has determined the extent to which the expenditures made by a municipality are eligible for financial assistance under subsection 2, the expenditures, to such extent, shall be eligible for financial assistance out of money allocated to the municipality for road improvements at the same rate and in the same manner as expenditures properly chargeable to road improvements, and in all cases of doubt or dispute the decision of the Minister is final.

Municipal
assistance
to public
transporta-
tion service

- (4) Notwithstanding the provisions of any public or private Act, a municipality may contribute toward the cost of any public transportation service provided within the municipality and the operators of such service shall apply such contribution toward such cost.

Demonstra-
tion projects

- (5) The Minister and a municipality may enter into an agreement to provide an experimental or demonstration project related to public transportation.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Highway Improvement Amendment Act, 1971*.

An Act to amend
The Highway Improvement Act

1st Reading

June 28th, 1971

2nd Reading

July 8th, 1971

3rd Reading

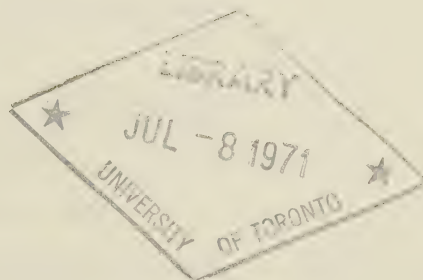
July 23rd, 1971

THE HON. C. MACNAUGHTON
Minister of Transportation
and Communications

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Provide for the Protection
of Persons in Industrial Establishments**

THE HON. GORDON CARTON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill is a re-enactment of *The Industrial Safety Act, 1964*. The principal changes include:

1. the incorporation in the Act of much of the content of what is now in the regulations;
2. a revision of administrative procedures and appeals to carry out the recommendations in the report of the Royal Commission Inquiry into Civil Rights and to co-ordinate with the Bill to enact *The Statutory Powers Procedure Act*.

An Act to Provide for the Protection of Persons in Industrial Establishments

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "architect" means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*;

R.S.O. 1960,
c. 20

- (b) "arena" means a building or structure to which the public has access that houses or covers, partially or completely, an area used for skating, curling or other athletic activities;

- (c) "child" means a person under the age of fifteen years;

- (d) "Deputy Minister" means the Deputy Minister of Labour;

- (e) "employer" means a person who employs one or more persons, and includes,

- (i) a person who on his own behalf or as the manager, superintendent, or agent has charge of an industrial establishment,

- (ii) a person, who is self-employed, and

- (iii) in the case of an office building, the superintendent, manager or caretaker;

- (f) "energy" includes any form of thermal, hydraulic, electrical, aerodynamic, kinetic, chemical, nuclear, solar or other kind of energy;

(g) “engineer of the Department” means a professional engineer who is appointed an inspector for the purposes of this Act;

(h) “factory” means,

(i) a premises or place other than a premises or place where homework is done, where,

(A) any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(B) in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,

1. used to work any machinery or device, or

2. modified in any manner, or

(C) the employer of the persons working therein has the right of access and control and wherein any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof or the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes, and

(ii) a laundry, including a laundry operated in conjunction with,

(A) a hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanatorium licensed under *The Private*

Sanataria Act, or a psychiatric facility
under *The Mental Health Act, 1967*, <sup>R.S.O. 1960,
c. 51</sup>

(B) a private hospital licensed under *The* <sup>R.S.O. 1960,
c. 305</sup>
Private Hospitals Act,

(C) a hotel within the meaning of *The* <sup>R.S.O. 1960,
c. 180</sup>
Hotel Registration of Guests Act or a
motel, or

(D) an institution for religious, charitable
or educational purposes,

and includes any land, buildings and structures
appertaining thereto;

(i) "homework" means the doing of any work in the
manufacture, preparation, improvement, repair,
alteration, assembly or completion of any article
or thing or any part thereof by a person for wages
in premises occupied primarily as living accommoda-
tion;

(j) "industrial establishment" means an office building,
factory, shop or office;

(k) "inspector" means an inspector appointed for the
purposes of this Act and includes the chief inspector;

(l) "Minister" means the Minister of Labour;

(m) "municipality" means a municipality as defined in
The Department of Municipal Affairs Act; <sup>R.S.O. 1960,
c. 98</sup>

(n) "owner" means the person for the time being entitled
in his own right or as a trustee, receiver, mortgagee
in possession, guardian, committee, agent or other-
wise to receive the rents and profits of any premises
used as an industrial establishment so far as such
rents and profits are not payable solely in respect
of the use or occupancy of land apart from any
buildings or other improvements erected or situate
thereon;

(o) "parent" means a parent or the guardian of a child,
or the person having the legal custody of, control
over, or direct benefit from the wages of, a child;

(p) "person" includes a firm, syndicate or two or more
persons engaged in a joint venture;

1968-69,
c. 99

(q) "professional engineer" means a person registered as a professional engineer or a person who is licenced to practice as a professional engineer under *The Professional Engineers Act, 1968-69*;

(r) "regulations" means the regulations made under this Act;

(s) "shop" means,

(i) a place, including a building, booth, stall or part thereof, where goods are handled, exposed or offered for sale,

(ii) a building, booth, stall or part thereof, or any other place, where services are offered for sale, including an arena, restaurant, bowling alley, pool room and billiard parlour,

and includes any lands, buildings and structures appertaining thereto. 1964, c. 45, s. 1; 1968, c. 51, s. 1; 1970, c. 28, s. 1, *amended*.

When Act
does not
apply

1960-61,
c. 11

2. This Act does not apply to,

(a) a construction hoist within the meaning of *The Construction Hoists Act, 1960-61*;

R.S.O. 1960,
c. 241

(b) a mine and machinery within the meaning of *The Mining Act*, including office and service buildings located at a mine;

1962-63,
c. 76

(c) loggers within the meaning of *The Loggers' Safety Act, 1962-63*;

1971, c. ...

(d) a work as defined in section 1 of *The Energy Act, 1971*; or

(e) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. 1964, c. 45, s. 5; 1968, c. 56, s. 3, *amended*.

Application
to Crown

3. This Act binds the Crown. 1964, c. 45, s. 2, *amended*.

Separate
industrial
establish-
ments

4. Such part of an industrial establishment as the chief inspector designates in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. 1964, c. 45, s. 6.

5.—(1) A person who has charge and control of an industrial establishment shall be deemed for the purposes of this Act to be the employer of every person, Persons deemed employees

(a) working therein, notwithstanding that the work is performed under a contract with another person; or

(b) found in a factory except at meal times or while the machinery of the factory is stopped,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act, 1961-62*. 1961-62, c. 18

(2) Notwithstanding subsection 1, any person who under a contract with an employer or owner of an industrial establishment supplies the employer or owner with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. Person deemed employer

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. 1964, c. 45, s. 21. Exemption

6.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act, 1961-62*. Appointment of inspectors 1961-62, c. 121

(2) The Deputy Minister may designate one of the inspectors appointed under subsection 1 as the chief inspector for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. 1964, c. 45, s. 7 (1), *amended*. Chief inspector

7.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature, to every inspector. Certificate of appointment

(2) A certificate purporting to bear the signature of the Deputy Minister shall be deemed to have been duly signed by the Deputy Minister. Idem

(3) Every inspector, in the execution of any of his duties under this Act, shall produce his certificate of appointment upon request. 1964, c. 45, s. 7 (2), *amended*. Production of certificate

8.—(1) An inspector may, for the purposes of carrying out his duties under this Act and the regulations, Powers of inspector

- (a) subject to subsection 4, enter in or upon any premises at any time without a warrant ;
- (b) take up or use at any time any property, real or personal, for the purpose of protecting any person in any industrial establishment ;
- (c) require the production of any licence, drawings, notice, document or record required by this Act or the regulations, and examine and copy the same ;
- (d) be accompanied by any person who has special or expert knowledge of any matter in an industrial establishment or part thereof ;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge or skill as the chief inspector designates, make such examinations, tests, inquiries or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with ;
- (f) examine either alone or in the presence of any other person with respect to matters under this Act,
 - (i) an employee,
 - (ii) a person who was an employee,
 - (iii) any person whom he finds in an industrial establishment, or
 - (iv) any person whom he has reasonable cause to believe to have been in an industrial establishment ;
- (g) take with him into any industrial establishment a legally qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health ;
- (h) require the owner of an industrial establishment to provide at the owner's expense a report by a professional engineer stating,
 - (i) the load that the floor, roof or other part of a building or structure is capable of supporting or withstanding without exceeding the allowable unit stresses for the materials used as

established by the National Building Code of Canada, 1970, or

- (ii) that the floor, roof or other part of a building or structure is capable of supporting or withstanding the loads being applied to it without exceeding the allowable unit stresses for the materials used, as established by the National Building Code of Canada, 1970;
- (i) require the employer who has applied a load to the floor, roof or other part of a building or structure to provide at the employer's expense a report by a professional engineer stating that the floor, roof or other part of the building or structure is capable of supporting or withstanding the loads being applied to it without exceeding the allowable unit stresses for the materials used as established by the National Building Code of Canada, 1970. 1964, c. 45, s. 8 (1), *amended*.

(2) Where an inspector takes a sample under clause *e* ^{Samples} of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the owner or employer from whom the sample is taken, if the owner or employer so requests at the time the sample is taken and provides the necessary facilities.

(3) Where an inspector takes a sample under clause *e* ^{Idem} of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the owner or employer from whom the sample was taken if the owner or employer so requests at the time the sample was taken. 1964, c. 45, s. 8 (2), *amended*.

(4) An inspector shall not enter any room or place actually ^{Entry to dwellings} used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*. 1964, ^{R.S.O. 1960, c. 387} c. 45, s. 8 (3).

9.—(1) No person shall hinder, obstruct, molest or interfere ^{Obstruction of inspector} with an inspector or a person accompanying an inspector or attempt to hinder, obstruct, molest or interfere with an inspector or a person accompanying an inspector in the exercise of a power or the performance of a duty under this Act.

(2) Every person shall furnish all necessary means in his ^{Assistance of inspector} power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. 1964, c. 45, s. 9, *amended*.

Refusal
to produce

(3) No person shall neglect or refuse to produce any licence, drawings, notice, document or record required to be produced under clause *c* of subsection 1 of section 8. *New.*

Directions
by inspector
where non-
compliance

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations, and may require that his directions be carried out within such time as he specifies.

Idem

(2) Where an inspector gives an oral direction under subsection 1, he shall confirm the direction in writing before leaving the industrial establishment. 1964, c. 45, s. 10 (1, 2), *amended.*

Directions
by inspector
where persons
endangered

(3) Where an inspector finds that any place, matter or thing, or any part or parts thereof, or a method or manner of work in an industrial establishment does not comply with the requirements of this Act or the regulations and is a source of danger or hazard to a person employed therein or having access thereto he,

(a) shall give such direction or directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to eliminate the hazard,

(ii) to take measures for guarding the source of the danger, or

(iii) to protect any person against any hazard or danger therefrom; and

(b) may direct in writing that any place, matter or thing shall not be used until his direction or directions are complied with.

Affixing
notice

(4) Where an inspector gives a direction under subsection 1 or 3 he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. 1964, c. 45, s. 11.

Appeal
from
decisions of
inspector

11.—(1) Any person who considers himself aggrieved by any direction given or decision made by an inspector under this Act or the regulations may appeal to the chief inspector who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the

operation of the decision appealed from pending disposition of the appeal.

(2) An appeal to the chief inspector may be made in writing or orally or by telephone, but the chief inspector may require the grounds for appeal to be specified in writing before the appeal. How appeal made

(3) The appellant, the inspector from whom the appeal is taken and such other persons as the chief inspector may specify are parties to an appeal under this section. Parties

(4) On an appeal under this section, the chief inspector may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the chief inspector shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector. Powers of chief inspector

(5) In this section, a decision of an inspector under this Act or the regulations includes any direction or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations. Decision of inspector includes directions, etc.

(6) A decision of the chief inspector under this section is final. 1964, c. 45, s. 10 (3-5), *amended*. Decision of chief inspector final

12.—(1) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971* which Part applies to such investigation, inquiry or examination as if it were an inquiry under that Act. 1964, c. 45, s. 8 (4), *amended*. Powers on investigation 1971, c. ...

(2) A person who is examined by the chief inspector under subsection 1 is entitled to have a counsel or agent present at the examination to advise him. *New*. Counsel of witness

13.—(1) An inspector, a person who accompanies an inspector, or a person designated by the chief inspector who makes an examination, test, inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or test, acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations. Information confidential

Idem	(2) No report of an inspector, a person who accompanies an inspector, or a person designated by the chief inspector who makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations.
Compellability in civil suit	(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act.
Power of chief inspector to disclose	(4) The chief inspector may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations.
Information not to be disclosed	(5) No person to whom information is communicated under section 8 shall divulge the name of the informant to any person except for the purposes of this Act. 1964, c. 45, s. 13 (1-4), <i>amended</i> .
Furnishing copies of reports	14. The chief inspector may upon receipt of a request in writing from an owner of an industrial establishment and upon payment of the prescribed fee or fees furnish to the owner or to a person designated by him copies of reports or directions of inspectors made in respect of the industrial establishment as to its compliance or otherwise with the provisions of section 22. <i>New</i> .
Furnishing copies of reports	15. The chief inspector may, upon receipt of a request in writing from an employer and upon payment of the prescribed fee or fees, furnish to the employer or to a person designated by him copies of reports or directions of inspectors made in respect of the industrial establishment as to its compliance or otherwise with the provisions of section 24.
Liability of inspector	16.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.
Application of 1962-63, c. 109	(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of <i>The Proceedings Against the Crown Act, 1962-63</i> ,

relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1964, c. 45, s. 13 (5), *amended*.

17.—(1) No person shall commence to construct or ^{Examination of drawings of factory, etc.} reconstruct a building or structure or add to or alter an existing building or structure,

- (a) that is to be or is used as a factory other than a factory as defined by subclause ii of clause *h* of section 1;
- (b) that is to be or is an arena;
- (c) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or
- (d) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,
 - (i) exterior walls, or
 - (ii) any combination of exterior walls and interior walls having a fire resistance rating without any opening to another building,

until the drawings thereof have been examined by an engineer of the Department and certified as meeting the requirements of this Act and the regulations. 1964, c. 45, s. 16 (1).

(2) Where this Act or the regulations prescribe that ^{Examination of drawings of machine, etc.} drawings of any equipment, machinery or device to be or being installed or altered shall be examined and certified by an engineer of the Department, no person shall install or alter such equipment, machinery or device until the drawings thereof have been examined by an engineer of the Department and certified as meeting the requirements of this Act and the regulations. *New*.

(3) An application for examination shall be in the form ^{Application for examination} prescribed by the regulations and shall,

- (a) be accompanied by three or more sets of drawings of the proposed construction, reconstruction, addition, installation or alteration and the estimated costs thereof;

(b) be supplemented by such additional information as an engineer of the Department requires; and

(c) in the case of drawings of a building or structure that is or is to be,

(i) an arena, or

(ii) more than two storeys in height,

bear the signature and seal of a professional engineer or architect. 1964, c. 45, s. 16 (2); 1970, c. 28, s. 2, *amended*.

Certification
of drawings

(4) An engineer of the Department shall examine the drawings and if they comply with this Act and the regulations, he shall so certify thereon, retaining one copy and returning the others to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings as certified. 1968, c. 56, s. 4 (2).

Production
of certified
drawings

(5) The owner of the building or of the land on which the building is being constructed or a person designated by him shall keep one copy of the certified drawings on the site of the construction, reconstruction, addition, installation or alteration until the completion thereof, and such drawings shall be produced upon demand to an inspector or to a building inspector or construction safety inspector appointed by a municipality or by the Lieutenant Governor in Council. 1968, c. 56, s. 4 (3).

Fees for
certification

(6) Fees as prescribed by the regulations made under this Act for the certification of the drawings shall become due and payable within 60 days of the certification of the drawing and shall be recoverable with interest as a debt due Her Majesty from the applicant or the owner of the land on which the building is being constructed, reconstructed, added to or altered or from any subsequent owner and are a lien upon the land and the lien is not lost or impaired by want of registration. *New*.

Conditions of
approval for
certification

18. The certification of an engineer of the Department may be given upon such terms and conditions as he considers necessary. *New*.

Refusal
to issue

19.—(1) The chief inspector may, after hearing the applicant, refuse to grant a certification under section 17 where the drawings do not meet the requirements of this Act or the regulations.

(2) The chief inspector may suspend or revoke any certification under this Act or the regulations, after hearing the person to whom it was granted, if such person contravenes or knowingly permits any person under his control or direction to contravene any provision of this Act or the regulations relating to the matter so certified or any term or condition of such certification imposed under this Act or the regulations. ^{Suspension or revocation of certification}

(3) Notice of a hearing under this section shall afford to the person affected a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for retention of the certification to which the hearing relates. ^{Notice of hearing}

(4) A person who will be affected by a refusal to issue or a suspension or revocation under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 1964, c. 45, s. 18, *amended*. ^{Examination of documentary evidence}

20.—(1) Any person who considers himself aggrieved by a decision of the chief inspector under section 19 may, within fifteen days after receipt of the decision of the chief inspector, appeal to the judge of the county or district court of the county or district in which the industrial establishment to which the certification relates or in which the person aggrieved resides, by applying to the judge for a hearing. ^{Appeal from decision of inspector}

(2) A judge to whom an application is made under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. ^{Examination of time for hearing}

(3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the chief inspector or make a new decision in substitution therefor and for such purpose has all the powers of the chief inspector to make such decision as he considers proper. ^{Hearing de novo}

(4) The appellant, the chief inspector and such other persons as the judge may specify are parties to an appeal under this section. ^{Parties}

Recording
of evidence

(5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings
of fact

1971, c. ...

(6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

No stay
on appeal

(7) The bringing of an appeal under this section does not affect the suspension or revocation of any certification to which it relates pending the disposition of the appeal. *New.*

Service

21. The sending or service of any notice, order, direction, or document to or upon any person for the purposes of this Act or the regulations shall be made,

- (a) by serving it personally on such person ;
- (b) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer by leaving it at the industrial establishment for which he is the employer; or
- (c) by mailing it by prepaid first class mail addressed to the person at his last known or usual residence, or alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address. 1964, c. 45, s. 15 (1), *amended*.

Duties
of owner

22. Every owner of an industrial establishment shall,

- (a) provide,
 - (i) the exit facilities prescribed by the regulations,
 - (ii) the toilet and washing facilities, including the supply of hot and cold water, prescribed by the regulations,
 - (iii) equipment, supplies and facilities for heating and lighting adequate to enable all areas to be heated and lighted as prescribed by the regulations, and
 - (iv) adequate fire protection and equipment ;

- (b) maintain all facilities provided by him, as prescribed by the regulations ;
- (c) maintain all areas used in common by employees of more than one employer, as prescribed by the regulations ; and
- (d) ensure that,
 - (i) any floor, roof or other part of a building or structure owned by him can safely support the loads applied or likely to be applied to it,
 - (ii) any floor, roof or other part of a building or structure owned by him is not loaded in excess of its safe load-bearing capacity, and
 - (iii) no building or structure owned by him is constructed, reconstructed, altered or added to except in compliance with this Act and the regulations. *New.*

23. Every employer, upon commencing to occupy a ^{Notice of occupation of factory} factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business of the factory is to be carried on, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. 1964, c. 45, s. 17 (1).

24.—(1) An employer shall ensure that,

Duties of employer

- (a) the equipment, materials and protective devices prescribed by the regulations are provided in the industrial establishment ;
- (b) the equipment, materials and protective devices provided by him are,
 - (i) maintained in good condition, and
 - (ii) used as prescribed by the regulations ;
- (c) the measures and procedures prescribed by the regulations are carried out in the industrial establishment ;
- (d) any load he places or causes to be placed on a floor, roof or any part of a building or other structure does not cause the materials used in the floor, roof

or any part of the building or other structure to be stressed beyond the allowable unit stresses established by the National Building Code of Canada, 1970; and

- (e) in a factory, a copy of this Act and the regulations are provided and maintained in good condition in a location readily accessible to the employees.

Supervisors

(2) The employer shall appoint one or more competent persons to exercise direction and control over persons employed by him and one such person may be the employer.

General
duties of
employers

(3) An employer shall take every precaution reasonable in the circumstances for the protection of an employee in the industrial establishment, but this provision shall not be applied to affect the strict duty imposed by subsection 1.

Idem

(4) Where, in an industrial establishment,

R.S.O. 1960,
cc. 97, 300

(a) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened;

R.S.O. 1960,
c. 37

(b) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder;

R.S.O. 1960,
c. 119

(c) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder;

R.S.O. 1960,
c. 282

(d) *The Operating Engineers Act* and the regulations thereunder are contravened;

(e) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act, 1961-62*;

1961-62, c. 18

1966, c. 61

(f) *The Gasoline Handling Act, 1966*, or the Gasoline Handling Code is contravened; or

1971, c. ...

(g) *The Energy Act, 1971* and the regulations thereunder are contravened,

the employer shall be deemed to be in contravention of subsection 3.

(5) An employer shall not discharge or discipline or threaten to discharge or discipline an employee because the employee has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New.* ^{Reprisal prohibited}

25. Every person in possession of an industrial establishment or part thereof, other than the owner, is jointly and severally responsible with the owner for any thing that the owner is required to do under this Act or the regulations if such thing is the obligation of the person in possession to do under the agreement for possession. 1964, c. 45, s. 20. ^{Joint responsibility of lessee}

26.—(1) Every person with authority over a person in an industrial establishment shall ensure that the person works in the manner and with the protective devices, measures and procedure prescribed by this Act and the regulations. ^{Responsibility of supervisors}

(2) A person appointed to exercise direction and control over a person in an industrial establishment shall advise the person under his direction and control of any potential hazard in connection with the work to be done by the person. *New.* ^{Idem}

27.—(1) A person in an industrial establishment shall work in compliance with the requirements of this Act and the regulations. 1964, c. 45, s. 22 (2), *amended.* ^{Duty of employee}

(2) In addition to compliance with subsection 1, a person in an industrial establishment shall use or wear protective devices or clothing as his employer may require. ^{Protective clothing}

(3) No person in an industrial establishment shall conduct himself so that he is likely to endanger himself or other persons. ^{Endangering others}

(4) No person in an industrial establishment shall engage in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct. ^{Pranks or feats}

(5) A person in an industrial establishment shall report to his employer or his supervisor the existence of any defective equipment or other hazard of which he has knowledge. *New.* ^{Reporting defective equipment}

28.—(1) Subject to subsection 2, no person shall employ a child in an industrial establishment. 1964, c. 45, s. 24 (1). ^{Employment of child}

(2) A child who is fourteen years of age or over may, except during school hours when he is required to attend school under *The Schools Administration Act*, be employed in an ^{Employment of child during school hours} ^{R.S.O. 1960, c. 361}

industrial establishment that is not a factory under such conditions as are prescribed by the regulations. 1970, c. 28, s. 3.

Liability
of parent

(3) Where a parent consents to the employment of a child in an industrial establishment contrary to subsection 1, the parent shall be deemed to have contravened this Act. 1964, c. 45, s. 24 (3).

Duty not
to remove
safety
devices

29. No person shall remove or make ineffective any protective device provided by his employer or provided as required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith. *New.*

Lease of
unsafe
equipment

30. No person shall make any agreement for the lease of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing does not comply with this Act or the regulations. 1964, c. 45, s. 23, *amended.*

Operation
of unsafe
equipment

31.—(1) Where a person has cause to believe that a machine, device or thing in or about an industrial establishment is unsafe that person shall not use or operate the machine, device or thing or cause or permit that machine, device or thing to be used or operated. 1964, c. 45, s. 22 (1), *amended.*

Idem

(2) If any machine, device or thing in or about an industrial establishment is in contravention of this Act or the regulations no person shall use or operate or cause or permit it to be used or operated. *New.*

Idem

(3) No person shall use or operate any machine, device or thing in or about an industrial establishment in a manner that does not comply with this Act or the regulations. 1964, c. 45, s. 22 (2), *amended.*

Refusal by
employee to
operate
machine

(4) Where an employee does not use or operate a machine, device or thing upon the ground that it is unsafe or in contravention of this Act or the regulations, he shall report the circumstances of the matter to his employer forthwith, and he shall remain in a safe location near his work station during his normal working hours unless otherwise directed or agreed to by his employer. *New.*

False
statement
or entry

32. No person shall wilfully make a false statement or entry in an application, notice, plan, report, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false statement under

this Act, or knowingly make use of any such false statement or entry. 1964, c. 45, s. 32, *amended*.

33.—(1) Where in or about an industrial establishment a person is killed or critically injured from any cause, the employer shall forthwith notify an inspector of the occurrence by telephone, telegram or other direct means and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence, including the particulars of,

Employer to give notice in case of death or critical injury to person

- (a) name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the name and address of any witness to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

(2) No person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. *New*.

Preservation of wreckage

34.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person in an industrial establishment whereby he is disabled from earning full wages or required medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the chief inspector as prescribed by subsection 1 of section 33, a notice in writing of the occurrence shall be given to the chief inspector by the employer of the injured stating,

Notice of occurrence of injury to person

- (a) name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;

- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the name and address of any witness to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

Idem (2) Such notice shall be given within four days after the occurrence.

Notice under R.S.O. 1960, c. 437, s. 115 sufficient (3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 115.

Board to give notice (4) Where a notice required to be given by section 115 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the chief inspector. *New.*

Notice in case of explosion **35.**—(1) Subject to subsection 2, where an explosion occurs in an industrial establishment, a notice in writing containing particulars of such explosion shall be sent by the employer to the chief inspector within twenty-four hours after the explosion occurred.

What is an explosion (2) A controlled explosion or an explosion of any container being filled in a suitable protective enclosure is deemed not to be an explosion for the purposes of subsection 1, unless such explosion endangers any person in the industrial establishment or damages any structure therein or adjacent thereto. *New.*

Penalty **36.** Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) a direction of an inspector; or
- (c) a condition of approval or certification,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. 1964, c. 45, s. 37; 1968, c. 56, s. 6, *amended*.

37. No prosecution under this Act shall be instituted more ^{Limitation on} than one year after the last act or default upon which ^{prosecution} the prosecution is based occurred. 1964, c. 45, s. 38.

38. Where there is an act or default that constitutes an ^{Offence by person other than employer} offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. 1964, c. 45, s. 34.

39. Where a person contravenes any of the provisions of this ^{Continuing offences} Act or the regulations or any notice, direction or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. 1964, c. 45, s. 36.

40.—(1) The employment of a child in an industrial ^{Proof} establishment contrary to subsection 1 of section 28 is *prima facie* proof of the consent of his parent thereto. 1964, c. 45, s. 24 (4).

(2) Where in an information it is alleged that a person ^{Onus of proof as to age} is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. 1964, c. 45, s. 33.

41. In any prosecution for an offence under this Act, a ^{Proof of direction or order} copy of a direction purporting to have been made under this Act or the regulations and purporting to have been signed by a person authorized by this Act to make the direction is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. *New.*

42. Where by this Act or the regulations a person is ^{Proof of application for certification, etc.} required to make an application for certification of drawings or give notice in writing, an affidavit of the chief inspector or other person designated by him sworn before a commissioner or other person authorized to take affidavits setting out that after a careful examination and search of the records he has been unable to find in a given case that the application for certification of drawings or the notice in writing has been made or given by that person or that the drawings were certified shall be received in evidence as *prima facie* proof that in such case that person did not make the application for certification of drawings or give the notice in writing or that the drawings were not certified. *New.*

43. The service or sending of a notice, order, direction, ^{Service} or document under clause *c* of section 21 may be proved by

affidavit of the person who mailed the notice, order, direction or document, and the affidavit shall state,

- (a) the place and date of mailing;
- (b) the name of the person and the address to which the notice, order, direction or document was sent; and
- (c) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction or document was sent is the last known or usual address,
 - (i) of the person to whom it was sent, or
 - (ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. 1964, c. 45, s. 15 (2).

Injunction
proceedings

44.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

Idem

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. 1964, c. 45, s. 31.

Regulations

45.—(1) The Lieutenant Governor in Council may make such regulations as are advisable to ensure the protection of persons in or about industrial establishments.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- 1. prescribing forms and providing for their use;
- 2. providing for and prescribing fees and the payment or refund of fees;
- 3. requiring and prescribing the notices in one or more languages that shall be posted;
- 4. prescribing the records that shall be kept by owners and employers;
- 5. respecting the duties and powers of inspectors or engineers of the Department;

6. designating equipment, machinery and devices for the purposes of section 17 and prescribing the nature of the drawings and specifications to be submitted and by whom such drawings and specifications shall be prepared or certified ;
7. prescribing building standards for industrial establishments and for the purpose of this paragraph any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted,
8. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons,
9. respecting the use of any material or process ;
10. regulating or prohibiting the installation or use of any machine, device or thing ;
11. exempting any person or any class of persons from the application of or compliance with this Act or the regulations or of any of the provisions thereof ;
12. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Act or the regulations or of any of the provisions thereof ;
13. requiring and regulating protective clothing and devices for persons who are exposed to any hazards ;
14. respecting any poisonous, dangerous or harmful material, substance or thing ;
15. prescribing the conditions under which a child who is fourteen years of age or over may be employed in a shop, office or office building ;
16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed ;
17. respecting protection from fire ;
18. respecting the provision and maintenance of any sanitary convenience or welfare provision ;

19. respecting atmospheric conditions to which any person or class of persons may be exposed in the course of any employment ;
20. respecting medical examinations of persons employed and the reports to be made of such examinations ;
21. respecting the reporting by physicians and others of affection from dangerous or harmful substances or industrial poisoning ;
22. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed ;
23. respecting the provision of suitable facilities for medical treatment in cases of accident or sickness and for the supervision of the general health of employees during working hours ;
24. respecting the provision of suitable facilities for handicapped persons ;
25. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing ;
26. requiring the approval of an inspector in respect of any method, matter or thing. 1964, c. 45, s. 26 (1, 2) *amended*.

1964, c. 45;
1968, c. 56;
1968-69, c. 52;
1970, c. 28,
repealed

46. *The Industrial Safety Act, 1964, The Industrial Safety Amendment Act, 1968, The Industrial Safety Amendment Act, 1968-69, and The Industrial Safety Amendment Act, 1970, are repealed.*

Commence-
ment

47. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

48. This Act may be cited as *The Industrial Safety Act, 1971*.

An Act to Provide for the Protection
of Persons in Industrial Establishments

1st Reading

June 28th, 1971

2nd Reading

3rd Reading

THE HON. GORDON CARTON
Minister of Labour

(Government Bill)

BILL 90

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to Provide for the Protection
of Persons in Industrial Establishments**

THE HON. GORDON CARTON
Minister of Labour



TORONTO

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BILL 90

1971

An Act to Provide for the Protection of Persons in Industrial Establishments

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "architect" means a person registered as a member of the Ontario Association of Architects or a person who is licensed to practise as an architect under *The Architects Act*;

R.S.O. 1960,
c. 20

- (b) "arena" means a building or structure to which the public has access that houses or covers, partially or completely, an area used for skating, curling or other athletic activities;

- (c) "child" means a person under the age of fifteen years;

- (d) "Deputy Minister" means the Deputy Minister of Labour;

- (e) "employer" means a person who employs one or more persons, and includes,

- (i) a person who on his own behalf or as the manager, superintendent, or agent has charge of an industrial establishment,

- (ii) a person, who is self-employed, and

- (iii) in the case of an office building, the superintendent, manager or caretaker;

- (f) "energy" includes any form of thermal, hydraulic, electrical, aerodynamic, kinetic, chemical, nuclear, solar or other kind of energy;

(g) "engineer of the Department" means a professional engineer who is appointed an inspector for the purposes of this Act ;

(h) "factory" means,

(i) a premises or place other than a premises or place where homework is done, where,

(A) any manufacturing process or assembling in connection with the manufacturing of any goods or products is carried on,

(B) in preparing, inspecting, manufacturing, finishing, repairing, warehousing, cleaning or adapting for hire or sale any substance, article or thing, energy is,

1. used to work any machinery or device, or

2. modified in any manner, or

(C) the employer of the persons working therein has the right of access and control and wherein any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any goods, substance, article or thing or any part thereof or the altering, demolishing, repairing, maintaining, ornamenting, finishing, storing, cleaning, washing or adapting for sale of any goods, substance, article or thing and includes a plant used for the maintenance of aircraft, locomotives or vehicles used for transport purposes, and

(ii) a laundry, including a laundry operated in conjunction with,

R.S.O. 1960,
cc. 322, 236,
359, 307

(A) a hospital under *The Public Hospitals Act*, an institution designated by the regulations under *The Mental Hospitals Act*, a sanatorium established under *The Sanatoria for Consumptives Act*, a sanatorium licensed under *The Private*

Sanataria Act, or a psychiatric facility
under *The Mental Health Act, 1967*, <sup>R.S.O. 1960,
c. 51</sup>

(B) a private hospital licensed under *The* <sup>R.S.O. 1960,
c. 305</sup>
Private Hospitals Act,

(C) a hotel within the meaning of *The* <sup>R.S.O. 1960,
c. 180</sup>
Hotel Registration of Guests Act or a
motel, or

(D) an institution for religious, charitable
or educational purposes,

and includes any land, buildings and structures
appertaining thereto;

(i) “homework” means the doing of any work in the
manufacture, preparation, improvement, repair,
alteration, assembly or completion of any article
or thing or any part thereof by a person for wages
in premises occupied primarily as living accommoda-
tion;

(j) “industrial establishment” means an office building,
factory, shop or office;

(k) “inspector” means an inspector appointed for the
purposes of this Act and includes the chief inspector;

(l) “Minister” means the Minister of Labour;

(m) “municipality” means a municipality as defined in
The Department of Municipal Affairs Act; <sup>R.S.O. 1960,
c. 98</sup>

(n) “owner” means the person for the time being entitled
in his own right or as a trustee, receiver, mortgagee
in possession, guardian, committee, agent or other-
wise to receive the rents and profits of any premises
used as an industrial establishment so far as such
rents and profits are not payable solely in respect
of the use or occupancy of land apart from any
buildings or other improvements erected or situate
thereon;

(o) “parent” means a parent or the guardian of a child,
or the person having the legal custody of, control
over, or direct benefit from the wages of, a child;

(p) “person” includes a firm, syndicate or two or more
persons engaged in a joint venture;

1968-69,
c. 99

(g) “professional engineer” means a person registered as a professional engineer or a person who is licenced to practice as a professional engineer under *The Professional Engineers Act, 1968-69*;

(r) “regulations” means the regulations made under this Act;

(s) “shop” means,

(i) a place, including a building, booth, stall or part thereof, where goods are handled, exposed or offered for sale, or

(ii) a building, booth, stall or part thereof, or any other place, where services are offered for sale, including an arena, restaurant, bowling alley, pool room and billiard parlour,

and includes any lands, buildings and structures appertaining thereto. 1964, c. 45, s. 1; 1968, c. 51, s. 1; 1970, c. 28, s. 1, *amended*.

When Act
does not
apply

2. This Act does not apply to,

1960-61,
c. 11

(a) a construction hoist within the meaning of *The Construction Hoists Act, 1960-61*;

R.S.O. 1960,
c. 241

(b) a mine and machinery within the meaning of *The Mining Act*, including office and service buildings located at a mine;

1962-63,
c. 76

(c) loggers within the meaning of *The Loggers' Safety Act, 1962-63*;

1971, c. ...

(d) a work as defined in section 1 of *The Energy Act, 1971*; or

(e) the raising and care of fowl or live stock, the cultivation of plants, trees, flowers, fruits and vegetables, and farming operations. 1964, c. 45, s. 5; 1968, c. 56, s. 3, *amended*.

Application
to Crown

3. This Act binds the Crown. 1964, c. 45, s. 2, *amended*.

Separate
industrial
establish-
ments

4. Such part of an industrial establishment as the chief inspector designates in writing shall be deemed to be a separate industrial establishment for the purposes of this Act. 1964, c. 45, s. 6.

5.—(1) A person who has charge and control of an industrial establishment shall be deemed for the purposes of this Act to be the employer of every person, Persons deemed employees

- (a) working therein, notwithstanding that the work is performed under a contract with another person; or
- (b) found in a factory except at meal times or while the machinery of the factory is stopped,

other than a person working in the industrial establishment or found in the factory while employed on a project as defined in *The Construction Safety Act, 1961-62.* 1961-62, c. 18

(2) Notwithstanding subsection 1, any person who under a contract with an employer or owner of an industrial establishment supplies the employer or owner with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied. Person deemed employer

(3) Playgrounds, recreation areas and public waiting rooms of a factory in which no machinery is used or manufacturing process carried on shall be deemed not to be part of the factory for the purposes of clause *b* of subsection 1. 1964, c. 45, s. 21. Exemption

6.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act, 1961-62.* Appointment of inspectors 1961-62, c. 121

(2) The Deputy Minister may designate one of the inspectors appointed under subsection 1 as the chief inspector for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. 1964, c. 45, s. 7 (1), *amended.* Chief inspector

7.—(1) The Deputy Minister shall issue a certificate of appointment, bearing his signature, to every inspector. Certificate of appointment

(2) A certificate purporting to bear the signature of the Deputy Minister shall be deemed to have been duly signed by the Deputy Minister. Idem

(3) Every inspector, in the execution of any of his duties under this Act, shall produce his certificate of appointment upon request. 1964, c. 45, s. 7 (2), *amended.* Production of certificate

8.—(1) An inspector may, for the purposes of carrying out his duties under this Act and the regulations, Powers of inspector

- (a) subject to subsection 4, enter in or upon any premises at any time without a warrant ;
- (b) take up or use at any time any property, real or personal, for the purpose of protecting any person in any industrial establishment ;
- (c) require the production of any licence, drawings, notice, document or record required by this Act or the regulations, and examine and copy the same ;
- (d) be accompanied by any person who has special or expert knowledge of any matter in an industrial establishment or part thereof ;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge or skill as the chief inspector designates, make such examinations, tests, inquiries or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with ;
- (f) examine either alone or in the presence of any other person with respect to matters under this Act,
 - (i) an employee,
 - (ii) a person who was an employee,
 - (iii) any person whom he finds in an industrial establishment, or
 - (iv) any person whom he has reasonable cause to believe to have been in an industrial establishment ;
- (g) take with him into any industrial establishment a legally qualified medical practitioner, medical officer of health, sanitary inspector or any officer of the Department of Health ;
- (h) require the owner of an industrial establishment to provide at the owner's expense a report by a professional engineer stating,
 - (i) the load that the floor, roof or other part of a building or structure is capable of supporting or withstanding without exceeding the allowable unit stresses for the materials used as

established by the National Building Code of Canada, 1970, or

- (ii) that the floor, roof or other part of a building or structure is capable of supporting or withstanding the loads being applied to it without exceeding the allowable unit stresses for the materials used, as established by the National Building Code of Canada, 1970;
- (i) require the employer who has applied a load to the floor, roof or other part of a building or structure to provide at the employer's expense a report by a professional engineer stating that the floor, roof or other part of the building or structure is capable of supporting or withstanding the loads being applied to it without exceeding the allowable unit stresses for the materials used as established by the National Building Code of Canada, 1970. 1964, c. 45, s. 8 (1), *amended*.

(2) Where an inspector takes a sample under clause *e* ^{Samples} of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the owner or employer from whom the sample is taken, if the owner or employer so requests at the time the sample is taken and provides the necessary facilities.

(3) Where an inspector takes a sample under clause *e* ^{Idem} of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the owner or employer from whom the sample was taken if the owner or employer so requests at the time the sample was taken. 1964, c. 45, s. 8 (2), *amended*.

(4) An inspector shall not enter any room or place actually ^{Entry to dwellings} used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*. 1964, ^{R.S.O. 1960, c. 387} c. 45, s. 8 (3).

9.—(1) No person shall hinder, obstruct, molest or interfere ^{Obstruction of inspector} with an inspector or a person accompanying an inspector or attempt to hinder, obstruct, molest or interfere with an inspector or a person accompanying an inspector in the exercise of a power or the performance of a duty under this Act.

(2) Every person shall furnish all necessary means in his ^{Assistance of inspector} power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. 1964, c. 45, s. 9, *amended*.

Refusal
to produce

(3) No person shall neglect or refuse to produce any licence, drawings, notice, document or record required to be produced under clause *c* of subsection 1 of section 8. *New.*

Directions
by inspector
where non-
compliance

10.—(1) An inspector may give directions orally or in writing to any person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations, and may require that his directions be carried out within such time as he specifies.

Idem

(2) Where an inspector gives an oral direction under subsection 1, he shall confirm the direction in writing before leaving the industrial establishment. 1964, c. 45, s. 10 (1, 2), *amended.*

Directions
by inspector
where persons
endangered

(3) Where an inspector finds that any place, matter or thing, or any part or parts thereof, or a method or manner of work in an industrial establishment does not comply with the requirements of this Act or the regulations and is a source of danger or hazard to a person employed therein or having access thereto he,

(a) shall give such direction or directions in writing to the employer or owner as he considers necessary, directing him immediately or within such period of time as the inspector specifies,

(i) to eliminate the hazard,

(ii) to take measures for guarding the source of the danger, or

(iii) to protect any person against any hazard or danger therefrom; and

(b) may direct in writing that any place, matter or thing shall not be used until his direction or directions are complied with.

Affixing
notice

(4) Where an inspector gives a direction under subsection 1 or 3 he may affix to the place, matter or thing or any part thereof a notice in the prescribed form, and no person, except an inspector, shall remove the notice unless authorized by an inspector. 1964, c. 45, s. 11.

Appeal
from
decisions of
inspector

11.—(1) Any person who considers himself aggrieved by any direction given or decision made by an inspector under this Act or the regulations may appeal to the chief inspector who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the

operation of the decision appealed from pending disposition of the appeal.

(2) An appeal to the chief inspector may be made in writing or orally or by telephone, but the chief inspector may require the grounds for appeal to be specified in writing before the appeal. How appeal made

(3) The appellant, the inspector from whom the appeal is taken and such other persons as the chief inspector may specify are parties to an appeal under this section. Parties

(4) On an appeal under this section, the chief inspector may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the chief inspector shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector. Powers of chief inspector

(5) In this section, a decision of an inspector under this Act or the regulations includes any direction or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations. Decision of inspector includes directions, etc.

(6) A decision of the chief inspector under this section is final. 1964, c. 45, s. 10 (3-5), *amended*. Decision of chief inspector final

12.—(1) For the purpose of an investigation, inquiry or examination made by him under this Act, the chief inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971* which Part applies to such investigation, inquiry or examination as if it were an inquiry under that Act. 1964, c. 45, s. 8 (4), *amended*. Powers on investigation 1971, c. ...

(2) A person who is examined by the chief inspector under subsection 1 is entitled to have a counsel or agent present at the examination to advise him. *New*. Counsel of witness

13.—(1) An inspector, a person who accompanies an inspector, or a person designated by the chief inspector who makes an examination, test, inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or test, acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations. Information confidential

Idem

(2) No report of an inspector, a person who accompanies an inspector, or a person designated by the chief inspector who makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations.

Compel-
lability in
civil suit

(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act.

Power
of chief
inspector to
disclose

(4) The chief inspector may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations.

Information
not to be
disclosed

(5) No person to whom information is communicated under section 8 shall divulge the name of the informant to any person except for the purposes of this Act. 1964, c. 45, s. 13 (1-4), *amended*.

Furnishing
copies of
reports

14. The chief inspector may upon receipt of a request in writing from an owner of an industrial establishment and upon payment of the prescribed fee or fees furnish to the owner or to a person designated by him copies of reports or directions of inspectors made in respect of the industrial establishment as to its compliance or otherwise with the provisions of section 22. *New.*

Furnishing
copies of
reports

15. The chief inspector may, upon receipt of a request in writing from an employer and upon payment of the prescribed fee or fees, furnish to the employer or to a person designated by him copies of reports or directions of inspectors made in respect of the industrial establishment as to its compliance or otherwise with the provisions of section 24.

Liability
of inspector

16.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Application
of
1962-63,
c. 109

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*,

relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1964, c. 45, s. 13 (5), *amended*.

17.—(1) No person shall commence to construct or reconstruct a building or structure or add to or alter an existing building or structure, ^{Examination of drawings of factory, etc.}

- (a) that is to be or is used as a factory other than a factory as defined by subclause ii of clause *h* of section 1;
- (b) that is to be or is an arena;
- (c) that is to be or is used as a shop or office building and is to be or is more than two storeys in height; or
- (d) that is to be or is used as a shop or office building and is to have or has more than 5,000 square feet of gross horizontal area in any storey enclosed within,
 - (i) exterior walls, or
 - (ii) any combination of exterior walls and interior walls having a fire resistance rating without any opening to another building,

until the drawings thereof have been examined by an engineer of the Department and certified as meeting the requirements of this Act and the regulations. 1964, c. 45, s. 16 (1).

(2) Where this Act or the regulations prescribe that drawings of any equipment, machinery or device to be or being installed or altered shall be examined and certified by an engineer of the Department, no person shall install or alter such equipment, machinery or device until the drawings thereof have been examined by an engineer of the Department and certified as meeting the requirements of this Act and the regulations. *New.*

(3) An application for examination shall be in the form prescribed by the regulations and shall, ^{Application for examination}

- (a) be accompanied by three or more sets of drawings of the proposed construction, reconstruction, addition, installation or alteration and the estimated costs thereof;

- (b) be supplemented by such additional information as an engineer of the Department requires; and
- (c) in the case of drawings of a building or structure that is or is to be,
 - (i) an arena, or
 - (ii) more than two storeys in height,

bear the signature and seal of a professional engineer or architect. 1964, c. 45, s. 16 (2); 1970, c. 28, s. 2, *amended*.

Certification
of drawings

(4) An engineer of the Department shall examine the drawings and if they comply with this Act and the regulations, he shall so certify thereon, retaining one copy and returning the others to the applicant, and the construction, reconstruction, addition, installation or alteration may be proceeded with only in accordance with the drawings as certified. 1968, c. 56, s. 4 (2).

Production
of certified
drawings

(5) The owner of the building or of the land on which the building is being constructed or a person designated by him shall keep one copy of the certified drawings on the site of the construction, reconstruction, addition, installation or alteration until the completion thereof, and such drawings shall be produced upon demand to an inspector or to a building inspector or construction safety inspector appointed by a municipality or by the Lieutenant Governor in Council. 1968, c. 56, s. 4 (3).

Fees for
certification

(6) Fees as prescribed by the regulations made under this Act for the certification of the drawings shall become due and payable within 60 days of the certification of the drawing and shall be recoverable with interest as a debt due Her Majesty from the applicant or the owner of the land on which the building is being constructed, reconstructed, added to or altered or from any subsequent owner and are a lien upon the land and the lien is not lost or impaired by want of registration. *New*.

Conditions of
approval for
certification

18. The certification of an engineer of the Department may be given upon such terms and conditions as he considers necessary. *New*.

Refusal
to issue

19.—(1) The chief inspector may, after hearing the applicant, refuse to grant a certification under section 17 where the drawings do not meet the requirements of this Act or the regulations.

(2) The chief inspector may suspend or revoke any certification under this Act or the regulations, after hearing the person to whom it was granted, if such person contravenes or knowingly permits any person under his control or direction to contravene any provision of this Act or the regulations relating to the matter so certified or any term or condition of such certification imposed under this Act or the regulations. Suspension or revocation of certification

(3) Notice of a hearing under this section shall afford to the person affected a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for retention of the certification to which the hearing relates. Notice of hearing

(4) A person who will be affected by a refusal to issue or a suspension or revocation under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 1964, c. 45, s. 18, *amended*. Examination of documentary evidence

20.—(1) Any person who considers himself aggrieved by a decision of the chief inspector under section 19 may, within fifteen days after receipt of the decision of the chief inspector, appeal to the judge of the county or district court of the county or district in which the industrial establishment to which the certification relates or in which the person aggrieved resides, by applying to the judge for a hearing. Appeal from decision of inspector

(2) A judge to whom an application is made under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension. Examination of time for hearing

(3) Where a person appeals under this section to a judge, the judge shall appoint a time for and hear the appeal by way of a hearing *de novo* and the judge may affirm or reverse the decision of the chief inspector or make a new decision in substitution therefor and for such purpose has all the powers of the chief inspector to make such decision as he considers proper. Hearing de novo

(4) The appellant, the chief inspector and such other persons as the judge may specify are parties to an appeal under this section. Parties

Recording
of evidence

(5) The oral evidence taken before the judge at a hearing shall be recorded, and if so required, copies or a transcript thereof shall be furnished upon the same terms as in the county court.

Findings
of fact

(6) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. ...

No stay
on appeal

(7) The bringing of an appeal under this section does not affect the suspension or revocation of any certification to which it relates pending the disposition of the appeal. *New.*

Service

21. The sending or service of any notice, order, direction, or document to or upon any person for the purposes of this Act or the regulations shall be made,

- (a) by serving it personally on such person ;
- (b) by leaving it at the place of his last known or usual residence or, alternatively, in the case of an employer by leaving it at the industrial establishment for which he is the employer; or
- (c) by mailing it by prepaid first class mail addressed to the person at his last known or usual residence, or alternatively, in the case of an employer, addressed to the industrial establishment for which he is the employer without naming him in the address. 1964, c. 45, s. 15 (1), *amended*.

Duties
of owner

22. Every owner of an industrial establishment shall,

- (a) provide,
 - (i) the exit facilities prescribed by the regulations,
 - (ii) the toilet and washing facilities, including the supply of hot and cold water, prescribed by the regulations,
 - (iii) equipment, supplies and facilities for heating and lighting adequate to enable all areas to be heated and lighted as prescribed by the regulations, and
 - (iv) adequate fire protection and equipment ;

- (b) maintain all facilities provided by him, as prescribed by the regulations;
- (c) maintain all areas used in common by employees of more than one employer, as prescribed by the regulations; and
- (d) ensure that,
 - (i) any floor, roof or other part of a building or structure owned by him can safely support the loads applied or likely to be applied to it,
 - (ii) any floor, roof or other part of a building or structure owned by him is not loaded in excess of its safe load-bearing capacity, and
 - (iii) no building or structure owned by him is constructed, reconstructed, altered or added to except in compliance with this Act and the regulations. *New.*

23. Every employer, upon commencing to occupy a factory, shall send to the chief inspector forthwith a notice in writing of the name of the firm under which the business of the factory is to be carried on, the place where it is situated, the address to which he desires his letters to be addressed, the nature of the work and the expected number of employees. 1964, c. 45, s. 17 (1).

24.—(1) An employer shall ensure that,

Duties of employer

- (a) the equipment, materials and protective devices prescribed by the regulations are provided in the industrial establishment;
- (b) the equipment, materials and protective devices provided by him are,
 - (i) maintained in good condition, and
 - (ii) used as prescribed by the regulations;
- (c) the measures and procedures prescribed by the regulations are carried out in the industrial establishment;
- (d) any load he places or causes to be placed on a floor, roof or any part of a building or other structure does not cause the materials used in the floor, roof

or any part of the building or other structure to be stressed beyond the allowable unit stresses established by the National Building Code of Canada, 1970; and

- (e) in a factory, a copy of this Act and the regulations are provided and maintained in good condition in a location readily accessible to the employees.

Supervisors

- (2) The employer shall appoint one or more competent persons to exercise direction and control over persons employed by him and one such person may be the employer.

General
duties of
employers

- (3) An employer shall take every precaution reasonable in the circumstances for the protection of an employee in the industrial establishment, but this provision shall not be applied to affect the strict duty imposed by subsection 1.

Idem

- (4) Where, in an industrial establishment,

R.S.O. 1960,
cc. 97, 300

- (a) the regulations made under *The Department of Labour Act* or under *The Power Commission Act* are contravened;

R.S.O. 1960,
c. 37

- (b) a boiler or pressure vessel is constructed, installed, maintained or operated in a manner contrary to *The Boilers and Pressure Vessels Act* and the regulations thereunder;

R.S.O. 1960,
c. 119

- (c) an elevator, dumb-waiter, escalator, manlift or incline lift is constructed, installed, maintained or operated in a manner contrary to *The Elevators and Lifts Act* and the regulations thereunder;

R.S.O. 1960,
c. 282

- (d) *The Operating Engineers Act* and the regulations thereunder are contravened;

- (e) maintenance work for a building, structure or other object is being carried on by an employee who is working in a manner and under circumstances contrary to the provisions of the regulations made under *The Construction Safety Act, 1961-62*;

1961-62, c. 18

1966, c. 61

- (f) *The Gasoline Handling Act, 1966*, or the Gasoline Handling Code is contravened; or

1971, c. . . .

- (g) *The Energy Act, 1971* and the regulations thereunder are contravened,

the employer shall be deemed to be in contravention of subsection 3.

(5) An employer shall not discharge or discipline or ^{Reprisal prohibited} threaten to discharge or discipline an employee because the employee has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New.*

25. Every person in possession of an industrial establishment ^{Joint responsibility of lessee} or part thereof, other than the owner, is jointly and severally responsible with the owner for any thing that the owner is required to do under this Act or the regulations if such thing is the obligation of the person in possession to do under the agreement for possession. 1964, c. 45, s. 20.

26.—(1) Every person with authority over a person in an ^{Responsibility of supervisors} industrial establishment shall ensure that the person works in the manner and with the protective devices, measures and procedures prescribed by this Act and the regulations.

(2) A person appointed to exercise direction and control ^{Idem} over a person in an industrial establishment shall advise the person under his direction and control of any potential hazard in connection with the work to be done by the person. *New.*

27.—(1) A person in an industrial establishment shall work ^{Duty of employee} in compliance with the requirements of this Act and the regulations. 1964, c. 45, s. 22 (2), *amended.*

(2) In addition to compliance with subsection 1, a person ^{Protective clothing} in an industrial establishment shall use or wear protective devices or clothing as his employer may require.

(3) No person in an industrial establishment shall conduct ^{Endangering others} himself so that he is likely to endanger himself or other persons.

(4) No person in an industrial establishment shall engage ^{Pranks or feats} in any prank, contest, feat of strength, unnecessary running or rough and boisterous conduct.

(5) A person in an industrial establishment shall report ^{Reporting defective equipment} to his employer or his supervisor the existence of any defective equipment or other hazard of which he has knowledge. *New.*

28.—(1) Subject to subsection 2, no person shall employ ^{Employment of child} a child in an industrial establishment. 1964, c. 45, s. 24 (1).

(2) A child who is fourteen years of age or over may, except ^{Employment of child during school hours} during school hours when he is required to attend school under *The Schools Administration Act*, be employed in an ^{R.S.O. 1960, c. 361}

industrial establishment that is not a factory under such conditions as are prescribed by the regulations. 1970, c. 28, s. 3.

Liability
of parent

(3) Where a parent consents to the employment of a child in an industrial establishment contrary to subsection 1, the parent shall be deemed to have contravened this Act. 1964, c. 45, s. 24 (3).

Duty not
to remove
safety
devices

29. No person shall remove or make ineffective any protective device provided by his employer or provided as required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith. *New.*

Lease of
unsafe
equipment

30. No person shall make any agreement for the lease of any machine, device or thing for use in or about an industrial establishment where the machine, device or thing does not comply with this Act or the regulations. 1964, c. 45, s. 23, *amended.*

Operation
of unsafe
equipment

31.—(1) Where a person has cause to believe that a machine, device or thing in or about an industrial establishment is unsafe that person shall not use or operate the machine, device or thing or cause or permit that machine, device or thing to be used or operated. 1964, c. 45, s. 22 (1), *amended.*

Idem

(2) If any machine, device or thing in or about an industrial establishment is in contravention of this Act or the regulations no person shall use or operate or cause or permit it to be used or operated. *New.*

Idem

(3) No person shall use or operate any machine, device or thing in or about an industrial establishment in a manner that does not comply with this Act or the regulations. 1964, c. 45, s. 22 (2), *amended.*

Refusal by
employee to
operate
machine

(4) Where an employee does not use or operate a machine, device or thing upon the ground that it is unsafe or in contravention of this Act or the regulations, he shall report the circumstances of the matter to his employer forthwith, and he shall remain in a safe location near his work station during his normal working hours unless otherwise directed or agreed to by his employer. *New.*

False
statement
or entry

32. No person shall wilfully make a false statement or entry in an application, notice, plan, report, specification, document or other information required by this Act or the regulations to be submitted, kept, served or sent, and no person shall wilfully make or sign a false statement under

this Act, or knowingly make use of any such false statement or entry. 1964, c. 45, s. 32, *amended*.

33.—(1) Where in or about an industrial establishment a person is killed or critically injured from any cause, the employer shall forthwith notify an inspector of the occurrence by telephone, telegram or other direct means and shall, within forty-eight hours after the occurrence, send the chief inspector a written report of the circumstances of the occurrence, including the particulars of,

Employer to give notice in case of death or critical injury to person

- (a) name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the name and address of any witness to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

(2) No person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. *New*.

Preservation of wreckage

34.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person in an industrial establishment whereby he is disabled from earning full wages or required medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the chief inspector as prescribed by subsection 1 of section 33, a notice in writing of the occurrence shall be given to the chief inspector by the employer of the injured stating,

Notice of occurrence of injury to person

- (a) name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) the machinery or equipment involved;

- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the name and address of any witness to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

Idem (2) Such notice shall be given within four days after the occurrence.

Notice under R.S.O. 1960, c. 437, s. 115 sufficient (3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 115.

Board to give notice (4) Where a notice required to be given by section 115 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the chief inspector. *New.*

Notice in case of explosion **35.**—(1) Subject to subsection 2, where an explosion occurs in an industrial establishment, a notice in writing containing particulars of such explosion shall be sent by the employer to the chief inspector within twenty-four hours after the explosion occurred.

What is an explosion (2) A controlled explosion or an explosion of any container being filled in a suitable protective enclosure is deemed not to be an explosion for the purposes of subsection 1, unless such explosion endangers any person in the industrial establishment or damages any structure therein or adjacent thereto. *New.*

Penalty **36.** Every person who contravenes or fails to comply with,

- (a) a provision of this Act or the regulations;
- (b) a direction of an inspector; or
- (c) a condition of approval or certification,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. 1964, c. 45, s. 37; 1968, c. 56, s. 6, *amended*.

37. No prosecution under this Act shall be instituted more ^{Limitation on} than one year after the last act or default upon which ^{prosecution} the prosecution is based occurred. 1964, c. 45, s. 38.

38. Where there is an act or default that constitutes an ^{Offence by person other than employer} offence by an employer under this Act or the regulations and the act or default has in fact been committed or made by a person other than the employer, the offence shall be deemed to have been also committed by such other person. 1964, c. 45, s. 34.

39. Where a person contravenes any of the provisions of this ^{Continuing offences} Act or the regulations or any notice, direction or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. 1964, c. 45, s. 36.

40.—(1) The employment of a child in an industrial ^{Proof} establishment contrary to subsection 1 of section 28 is *prima facie* proof of the consent of his parent thereto. 1964, c. 45, s. 24 (4).

(2) Where in an information it is alleged that a person ^{Onus of proof as to age} is a child or otherwise under a prescribed age, the onus is on the person charged to prove that such person is not a child or is otherwise over the age alleged. 1964, c. 45, s. 33.

41. In any prosecution for an offence under this Act, a ^{Proof of direction or order} copy of a direction purporting to have been made under this Act or the regulations and purporting to have been signed by a person authorized by this Act to make the direction is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. *New.*

42. Where by this Act or the regulations a person is ^{Proof of application for certification, etc.} required to make an application for certification of drawings or give notice in writing, an affidavit of the chief inspector or other person designated by him sworn before a commissioner or other person authorized to take affidavits setting out that after a careful examination and search of the records he has been unable to find in a given case that the application for certification of drawings or the notice in writing has been made or given by that person or that the drawings were certified shall be received in evidence as *prima facie* proof that in such case that person did not make the application for certification of drawings or give the notice in writing or that the drawings were not certified. *New.*

43. The service or sending of a notice, order, direction, ^{Service} or document under clause *c* of section 21 may be proved by

affidavit of the person who mailed the notice, order, direction or document, and the affidavit shall state,

- (a) the place and date of mailing;
- (b) the name of the person and the address to which the notice, order, direction or document was sent; and
- (c) that to the best of the knowledge and belief of the deponent the address to which the notice, order, direction or document was sent is the last known or usual address,
 - (i) of the person to whom it was sent, or
 - (ii) where the person to whom it was sent is an employer, of the industrial establishment for which he is the employer. 1964, c. 45, s. 15 (2).

Injunction
proceedings

44.—(1) The chief inspector may by originating notice apply to a judge of the Supreme Court for an order enjoining any person from continuing any act or default for which such person was convicted of an offence against this Act or the regulations.

Idem

(2) The judge in his discretion may make such order, and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. 1964, c. 45, s. 31.

Regulations

45.—(1) The Lieutenant Governor in Council may make such regulations as are advisable to ensure the protection of persons in or about industrial establishments.

Idem

(2) Without limiting the generality of subsection 1, the Lieutenant Governor in Council may make regulations,

- 1. prescribing forms and providing for their use;
- 2. providing for and prescribing fees and the payment or refund of fees;
- 3. requiring and prescribing the notices in one or more languages that shall be posted;
- 4. prescribing the records that shall be kept by owners and employers;
- 5. respecting the duties and powers of inspectors or engineers of the Department;

6. designating equipment, machinery and devices for the purposes of section 17 and prescribing the nature of the drawings and specifications to be submitted and by whom such drawings and specifications shall be prepared or certified;
7. prescribing building standards for industrial establishments and for the purpose of this paragraph any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted,
8. prohibiting employment or modifying or limiting the hours of employment of any person or class of persons,
9. respecting the use of any material or process;
10. regulating or prohibiting the installation or use of any machine, device or thing;
11. exempting any person or any class of persons from the application of or compliance with this Act or the regulations or of any of the provisions thereof;
12. exempting any manufacture, machinery, machine, process or thing or any class of them or any description of manual labour from the application of this Act or the regulations or of any of the provisions thereof;
13. requiring and regulating protective clothing and devices for persons who are exposed to any hazards;
14. respecting any poisonous, dangerous or harmful material, substance or thing;
15. prescribing the conditions under which a child who is fourteen years of age or over may be employed in a shop, office or office building;
16. respecting the weight that may be lifted, carried or moved by any person or class of persons employed;
17. respecting protection from fire;
18. respecting the provision and maintenance of any sanitary convenience or welfare provision;

19. respecting atmospheric conditions to which any person or class of persons may be exposed in the course of any employment ;
20. respecting medical examinations of persons employed and the reports to be made of such examinations ;
21. respecting the reporting by physicians and others of affection from dangerous or harmful substances or industrial poisoning ;
22. requiring owners and employers to transmit to the chief inspector such returns and reports as are prescribed ;
23. respecting the provision of suitable facilities for medical treatment in cases of accident or sickness and for the supervision of the general health of employees during working hours ;
24. respecting the provision of suitable facilities for handicapped persons ;
25. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing ;
26. requiring the approval of an inspector in respect of any method, matter or thing. 1964, c. 45, s. 26 (1, 2) *amended*.

1964, c. 45 ;
1968, c. 56 ;
1968-69, c. 52 ;
1970, c. 28,
repealed

46. *The Industrial Safety Act, 1964, The Industrial Safety Amendment Act, 1968, The Industrial Safety Amendment Act, 1968-69, and The Industrial Safety Amendment Act, 1970, are repealed.*

Commence-
ment

47. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

48. This Act may be cited as *The Industrial Safety Act, 1971*.

An Act to Provide for the Protection
of Persons in Industrial Establishments

1st Reading

June 28th, 1971

2nd Reading

July 8th, 1971

3rd Reading

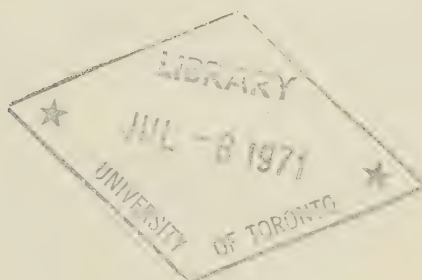
July 8th, 1971

THE HON. GORDON CARTON
Minister of Labour

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to Regulate the Handling and Use of Hydrocarbons

THE HON. GORDON CARTON
Minister of Labour



TORONTO

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EXPLANATORY NOTE

The Bill incorporates that portion of the present *Energy Act, 1964* that applies to the transmission, distribution, handling and use of hydrocarbons.

The principal changes include:

1. The powers and duties of inspectors are made equivalent to those of inspectors under other safety legislation administered by the Department of Labour.
2. The licensing, certification and registration procedures and appeals are revised to carry out the recommendations in the report of the Royal Commission Inquiry into Civil Rights and to co-ordinate with the Bill to enact *The Statutory Powers Procedure Act*.

BILL 91

1971

An Act to Regulate the Handling and Use of Hydrocarbons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "appliance" means a device that uses a hydrocarbon and includes all valves, fittings, controls and components attached or to be attached thereto;
- (b) "contractor" means a person who carries on the business of, or a person whose business includes, installing, removing, repairing, altering or servicing appliances, and includes a person who agrees by himself or through another to install, remove, repair, alter or service appliances sold or leased by him;
- (c) "Department" means the Department of Labour;
- (d) "Deputy Minister" means the Deputy Minister of Labour;
- (e) "distributor" means a person who supplies a hydrocarbon to an end user, and "distribute" and "distribution" have corresponding meanings;
- (f) "handling" means the transmission, transportation or distribution of a hydrocarbon, or the storage of a hydrocarbon in a container, and "handle" and "handler" have corresponding meanings;
- (g) "hydrocarbon" means a chemical compound of hydrogen and carbon used as a fuel, either liquid or gaseous;

- (h) "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes the Director;
- (i) "install" includes placing an appliance in position for temporary use, venting an appliance and connecting piping to an appliance;
- (j) "Minister" means the Minister of Labour;
- (k) "pipeline" means a pipe that is used for the transmission or distribution of a hydrocarbon and includes fittings, valves, controls, compressor stations, pressure regulating stations and meter stations, but does not include the pipe, fittings, valves or controls of the end user;
- (l) "regulation" means a regulation made under this Act;
- (m) "transmitter" means a person who supplies a hydrocarbon by pipeline to a distributor and "transmit", "transmission" and "transmission line" have corresponding meanings;
- (n) "transporter" means a person who supplies a hydrocarbon other than by pipeline to a distributor or an end user and "transport" and "transportation" have corresponding meanings;
- (o) "work" used as a noun, means the facilities used in the handling of a hydrocarbon.

Administra-
tion of
Act

2. The Minister is responsible for the administration of this Act.

Appointment
of inspectors
and Director

3.—(1) The Deputy Minister may appoint such inspectors as are necessary for the purposes of this Act and the regulations and may designate one of such inspectors as the Director.

Powers and
duties of
inspectors
and Director

(2) The inspectors and the Director may exercise the powers and shall perform the duties assigned to them by or under this or any other Act and the Director is the chief administrator of this Act and has general supervision and direction of the inspectors.

Certificate
of appoint-
ment and
identification

(3) The Deputy Minister shall issue to every inspector a certificate of his appointment and identification.

(4) Every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment and identification upon request. ^{Production of certificate}

4.—(1) An inspector may for the purpose of carrying out his duties under this Act and the regulations, ^{Powers of inspectors}

- (a) subject to subsection 2, enter in or upon any premises at any time without a warrant;
- (b) take up or use at any time any work or appliance or part thereof;
- (c) require the production of any drawing or specification of a work or appliance, or any part thereof, or any licence, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or appliance or part thereof or the handling or use thereof;
- (d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or appliance or a part thereof or the handling or use thereof;
- (e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the handler or user being notified thereof.

(2) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*. ^{Warrant}

R.S.O. 1960,
c. 387

5.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. ^{Obstruction of inspector}

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations. ^{Assistance of inspector}

Refusal
to produce

(3) No person shall neglect or refuse to produce a licence, certificate, drawing, specification, record or report as required by an inspector under clause *c* of subsection 1 of section 4 of this Act.

False
information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations.

Information
confidential

6.—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

Compel-
liability in
civil suit

(2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.

Exception

(3) The Director may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.

Liability
of inspector

7.—(1) No action, or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability
of Crown

1962-63, c. 109

(2) Subsection 1 does not, by reasons of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

Directions
by inspector
where non-
compliance

8.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened he may give to the person whom he believes to be the contravener, his supervisor or foreman or any of them an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies.

(2) Where an inspector gives an order under this section, ^{Idem} the order shall contain sufficient information to specify the nature of the contravention.

(3) Where an inspector gives an order under this section ^{Affixing tags} and he considers that the contravention of this Act or the regulations may be a hazard to persons or property, he

- (a) shall order that the appliance or work shall not be used until the order is complied with;
- (b) shall affix a tag in the prescribed form to the appliance or work and subject to subsection 4, no person except an inspector shall remove the tag; and
- (c) shall notify in writing the owner or person in charge of the appliance or work and the handler of the affixing of the tag.

(4) Where a tag has been affixed to the appliance or work, ^{Removal of tags} the tag shall not be removed except by a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations who has made the appliance or work conform to or comply with this Act and the regulations.

(5) When the tag is removed by a gas fitter, propane ^{Idem} fitter or oil-burner mechanic under subsection 4, the fitter or mechanic shall endorse his certificate number, name and address upon the tag and send it by prepaid registered mail or deliver it to the inspector who affixed the tag.

(6) No person shall remove a hydrocarbon from or ^{Use of tagged appliance} knowingly supply a hydrocarbon to an appliance or work to which a tag is attached, except a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations for the purpose of making the appliance or work conform to or comply with this Act and the regulations.

(7) No person shall use an appliance or work to which a ^{Idem} tag is attached.

(8) Any person who considers himself aggrieved by a decision ^{Appeal from inspector} or order of an inspector made under this section may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the decision or order appealed from pending disposition of the appeal.

(9) An appeal to the Director may be made in writing or ^{Oral or written} orally or by telephone but the Director may require the

grounds for appeal to be specified in writing before the appeal is heard.

Powers of
Director

(10) On an appeal under this section, the Director may substitute his findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the Director shall stand in place of and have the like effect under this Act as the decision or order of the inspector.

Dangerous
accidents

9. Subject to the regulations, where it appears that carbon monoxide poisoning, asphyxiation, explosion or fire has occurred because of the use or handling of a hydrocarbon,

- (a) the handler shall forthwith notify an inspector of the occurrence by telephone, telegraph or other direct means; and
- (b) no person shall, except in the interests of public safety, saving life, relieving human suffering, continuity of service or preservation of property, interfere with or disturb any wreckage, article or thing at the scene of and connected with the occurrence, but in no case shall the wreckage, article or thing be carried away or destroyed by any person unless permission so to do is given by an inspector.

Sale of
appliance
where
approval
required

10. Where the regulations require the approval of an appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon, no person shall offer for sale, sell, lease, rent, buy or install the appliance or equipment or other thing unless it is approved.

Installation,
etc., of
appliance

11. No person shall install, alter, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon except in accordance with the regulations.

Handler's
licence

12. No person shall handle a hydrocarbon unless he is the holder of a licence for that purpose.

Registration
of
contractors

13. No person shall be a contractor unless he is registered for the purpose.

Installer's
certificate

14.—(1) Subject to the regulations, no person shall install, alter, purge, activate, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon unless he is the holder of a certificate for the purpose.

(2) Subsection 1 does not apply where the installing, ^{Exception} altering, purging, activation, repair, service or removal is done by a person in the presence of a holder of the certificate referred to in subsection 1.

15.—(1) No person shall initially activate an appliance that ^{Notice of initial activation of appliance} is to be supplied with a hydrocarbon by pipeline without first giving notice in writing to the distributor of the address of the premises at which the installation was made or is to be made and the type of appliance supplied or to be supplied.

(2) Where premises are connected to a supply of hydro- ^{Examination before initial activation of appliance} carbon by pipeline for the first time, no person shall initially activate an appliance in the premises that is connected to the pipeline until the distributor of the hydrocarbon has examined the installation of the appliance and has accepted the installation and use as being in compliance with this Act and the regulations.

16. A distributor shall have access, at all reasonable times ^{Access by distributor} and upon reasonable notice, to all parts of every premises to which he supplies a hydrocarbon by pipeline for the purpose of,

- (a) examining any appliance in or on the premises and disconnecting the appliance if it, its installation or its use does not conform with this Act or the regulations, and
- (b) placing, protecting, setting, shutting off, removing, repairing or altering any meter or regulator owned by the distributor in or on the premises.

17.—(1) No person shall activate a pipeline until it has ^{Initial activation of pipeline} been examined and accepted as being in accordance with the regulations.

(2) The examination and acceptance required by sub- ^{Idem} section 1 shall be made by a person who holds a certificate as a pipeline inspector issued under the regulations.

18.—(1) No person shall dig, bore, trench, grade, excavate ^{Duty to inquire before excavation} or break ground with mechanical equipment or explosives without first ascertaining the location of any pipeline that may be interfered with.

(2) Where the owner of a pipeline is requested by any ^{Duty to provide information} person about to dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives to give the location of a pipeline for the purpose of subsection 1, he shall

within a reasonable time of the receipt of the request and having regard to all the circumstances of the case, furnish reasonable information as to the location of the pipeline.

Interference
with pipeline

19. No person shall interfere with or damage any pipeline without authority to do so.

Duty of
employer
to obtain
compliance

20.—(1) Every person who installs, removes, repairs, alters or services appliances or works shall instruct his employees to comply with this Act and the regulations.

Idem

(2) Every person who installs, removes, repairs, alters or services appliances or works shall take every precaution reasonable in the circumstances to ensure that his employees comply with this Act and the regulations.

Order for
priority
of use

21.—(1) Notwithstanding anything in this or any other Act, or in any contract for the supply of natural gas made between a distributor and a consumer, where the supply of natural gas to a distributor is interrupted or curtailed, the Minister may order a distributor to halt or reduce the supply of natural gas to a consumer or a class or classes of consumers if he considers it advisable in the circumstances.

Compliance

(2) Every person to whom such an order is directed shall comply therewith in accordance with its terms.

Issuance
of licences,
certificates
and regis-
tration

22.—(1) A licence, certificate or registration shall be issued or made by the Director and is subject to such terms and conditions as are therein contained or as prescribed by the regulations.

Refusal,
suspension
or revocation

(2) The Director may refuse to grant or renew or may suspend or revoke a licence, certificate or registration where,

- (a) the applicant or holder has contravened a provision of this Act or the regulations; or
- (b) there are reasonable grounds for believing that the applicant or holder is without capacity or not competent or lacks reasonable skill.

Notice of
proposed
refusal or
revocation

23.—(1) Where the Director proposes to refuse to grant or to refuse to renew or to suspend or revoke a licence, certificate or registration he shall serve notice of his proposal together with written reasons therefor, on the applicant or holder of the licence, certificate or registration.

(2) A notice under subsection 1 shall inform the applicant ^{Idem} or holder of the licence, certificate or registration that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

(3) Where an applicant or holder of a licence, certificate or registration does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence, certificate or registration, or carry out the proposal stated in his notice under subsection 1. ^{Powers of Director where no hearing}

(4) Where an applicant or holder of a licence, certificate or registration applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing. ^{Appointment for hearing}

(5) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence, certificate or registration, or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director. ^{Powers of judge where hearing}

(6) The Director may serve notice under subsection 1 personally or by registered mail addressed to the applicant or the holder of the licence, certificate or registration at his address last known to the Director and where notice is served by registered mail the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. ^{Service of notice}

(7) A judge to whom application is made by an applicant or the holder of a licence, certificate, or registration for a hearing under this section, may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or the holder of a licence, certificate or registration pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension. ^{Extension of time for application}

Continuation
pending
renewal

(8) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, certificate or registration a holder of a licence, certificate or registration has applied for renewal of his licence, certificate or registration and paid the prescribed fee, his licence, certificate or registration shall be deemed to continue,

(a) until the renewal is granted ; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

Parties

24.—(1) The Director, the applicant, the holder of the licence, certificate or registration who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.

Opportunity
to achieve
compliance

(2) Notice of a hearing under section 23 shall afford to the holder of a licence, certificate or registration a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence, certificate or registration.

Examina-
tion of
documentary
evidence

(3) An applicant or holder of a licence, certificate or registration who is a party to proceedings under section 23 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording
evidence

(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Appeal to
Supreme
Court

25.—(1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to
be filed

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence

before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister
entitled to
be heard

(4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of
court on
appeal

26. Notwithstanding section 21, the Director by notice to the holder of a licence, certificate or registration and without a hearing, may provisionally refuse to renew or suspend the holder's licence, certificate or registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a proposal to revoke the licence, certificate or registration under section 22. Interim
suspension
pending
final
decision

27. Every person who,

Offences

- (a) contravenes or fails to comply with any provision of this Act or a regulation;
- (b) knowingly makes a false statement in any document required by the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence, certificate or registration;
- (d) contravenes or fails to comply with an order of an inspector given under section 8; or
- (e) contravenes or fails to comply with an order of the Minister made under section 21,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

28.—(1) The Lieutenant Governor in Council may make regulations for the handling and use of hydrocarbons and, in Regulations

particular and without limiting the generality of the foregoing, may make regulations,

- (a) regulating the installation, filling, testing, maintenance, repair, removal, replacement, inspection and use of appliances or works and the handling and use of hydrocarbons ;
- (b) requiring and providing for the approval of design and construction standards for appliances and works ;
- (c) designating organizations to test appliances to the standards approved under the regulations and providing for the placing of the label of such organization on the appliances and works that conform to the standards ;
- (d) prohibiting the sale, purchase, renting and use of an appliance that does not bear the label of a testing organization or of the Department ;
- (e) requiring the reporting of accidents ;
- (f) requiring safety procedures to be filed by distributors and for the approval thereof by the Director and compliance therewith by distributors ;
- (g) requiring owners of pipelines to develop procedures for locating pipelines and providing for the approval of such procedures by the Director ;
- (h) providing for the registration of contractors and providing for the expiry and renewal of registration ;
- (i) providing for the issue, expiry and renewal of licences, certificates or labels and prescribing terms and conditions upon which licences, certificates or labels may be issued or renewed ;
- (j) prescribing the fees to be paid for the inspection of pipelines or appliances and prescribing by whom the fees shall be paid ;
- (k) prescribing the fee payable for any application, examination, certificate, licence, label, registration, or renewal thereof ;
- (l) prescribing forms and tags, and providing for their use ;

- (m) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling or use of a hydrocarbon;
- (n) exempting any person or any class of persons, and any appliance or work or any class of them from compliance with this Act and the regulations or of any of the provisions thereof;
- (o) for any matter provided in this Act to be done by regulation.

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted. Adoption of codes by reference

(3) A regulation may be general or particular in its application. Limited application of regulations

29. This Act and the regulations prevail over any municipal by-law. Municipal by-laws

30. Every licence, certificate, label, registration or approval issued, made or given under *The Energy Act, 1964*, and in force on the day this Act comes into force shall be deemed to have been issued, made or given under this Act. Continuation of licences, etc.

31. Notwithstanding *The Energy Act, 1964*, this Act applies to the handling and use of hydrocarbons. Act supersedes 1964, c. 27

32. *The Energy Act, 1964, The Energy Amendment Act, 1965, The Energy Amendment Act, 1967 and The Energy Amendment Act, 1970* are repealed. 1964, c. 27
1965, c. 37
1967, c. 25
1970, c. 61
repealed

33. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

34. This Act may be cited as *The Energy Act, 1971*. Short title

An Act to Regulate
the Handling and Use of Hydrocarbons

1st Reading

June 28th, 1971

2nd Reading

3rd Reading

THE HON. GORDON CARTON
Minister of Labour

(Government Bill)

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-B 56

Government
Publications

BILL 91

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to Regulate the Handling and Use of Hydrocarbons

THE HON. GORDON CARTON
Minister of Labour



BILL 91

1971

An Act to Regulate the Handling and Use of Hydrocarbons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "appliance" means a device that uses a hydrocarbon and includes all valves, fittings, controls and components attached or to be attached thereto;
- (b) "contractor" means a person who carries on the business of, or a person whose business includes, installing, removing, repairing, altering or servicing appliances, and includes a person who agrees by himself or through another to install, remove, repair, alter or service appliances sold or leased by him;
- (c) "Department" means the Department of Labour;
- (d) "Deputy Minister" means the Deputy Minister of Labour;
- (e) "distributor" means a person who supplies a hydrocarbon to an end user, and "distribute" and "distribution" have corresponding meanings;
- (f) "handling" means the transmission, transportation or distribution of a hydrocarbon, or the storage of a hydrocarbon in a container, and "handle" and "handler" have corresponding meanings;
- (g) "hydrocarbon" means a chemical compound of hydrogen and carbon used as a fuel, either liquid or gaseous;

- (h) "inspector" means an inspector appointed for the purposes of this Act and the regulations, and includes the Director;
- (i) "install" includes placing an appliance in position for temporary use, venting an appliance and connecting piping to an appliance;
- (j) "Minister" means the Minister of Labour;
- (k) "pipeline" means a pipe that is used for the transmission or distribution of a hydrocarbon and includes fittings, valves, controls, compressor stations, pressure regulating stations and meter stations, but does not include the pipe, fittings, valves or controls of the end user;
- (l) "regulation" means a regulation made under this Act;
- (m) "transmitter" means a person who supplies a hydrocarbon by pipeline to a distributor and "transmit", "transmission" and "transmission line" have corresponding meanings;
- (n) "transporter" means a person who supplies a hydrocarbon other than by pipeline to a distributor or an end user and "transport" and "transportation" have corresponding meanings;
- (o) "work" used as a noun, means the facilities used in the handling of a hydrocarbon.

Administra-
tion of
Act

2. The Minister is responsible for the administration of this Act.

Appointment
of inspectors
and Director

3.—(1) The Deputy Minister may appoint such inspectors as are necessary for the purposes of this Act and the regulations and may designate one of such inspectors as the Director.

Powers and
duties of
inspectors
and Director

(2) The inspectors and the Director may exercise the powers and shall perform the duties assigned to them by or under this or any other Act and the Director is the chief administrator of this Act and has general supervision and direction of the inspectors.

Certificate
of appoint-
ment and
identification

(3) The Deputy Minister shall issue to every inspector a certificate of his appointment and identification.

(4) Every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment and identification upon request. Production of certificate

4.—(1) An inspector may for the purpose of carrying out his duties under this Act and the regulations, Powers of inspectors

- (a) subject to subsection 2, enter in or upon any premises at any time without a warrant ;
- (b) take up or use at any time any work or appliance or part thereof ;
- (c) require the production of any drawing or specification of a work or appliance, or any part thereof, or any licence, record or report and may inspect, and make copies of, the same and may require information from any person concerning any matter related to a work or appliance or part thereof or the handling or use thereof ;
- (d) be accompanied by any person at the request of the inspector who has special or expert knowledge of any matter in relation to a work or appliance or a part thereof or the handling or use thereof ;
- (e) alone, or in conjunction with such other persons possessing special or expert knowledge, make such examinations, tests or inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with and for such purpose take or remove any material or substance subject to the handler or user being notified thereof.

(2) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 14 of *The Summary Convictions Act*. Warrant

R.S.O. 1960,
c. 387

5.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. Obstruction of inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations. Assistance of inspector

- Refusal to produce (3) No person shall neglect or refuse to produce a licence, certificate, drawing, specification, record or report as required by an inspector under clause *c* of subsection 1 of section 4 of this Act.
- False information (4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations.
- Information confidential **6.**—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.
- Compellability in civil suit (2) An inspector is not a compellable witness in a civil suit or proceeding respecting any information, record, report, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations.
- Exception (3) The Director may disclose or publish information, material, statements or result of a test acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.
- Liability of inspector **7.**—(1) No action, or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.
- Liability of Crown (2) Subsection 1 does not, by reasons of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act, 1962-63*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.
- Directions by inspector where non-compliance **8.**—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened he may give to the person whom he believes to be the contravener, his supervisor or foreman or any of them an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies.

(2) Where an inspector gives an order under this section, ^{Idem} the order shall contain sufficient information to specify the nature of the contravention.

(3) Where an inspector gives an order under this section and he considers that the contravention of this Act or the regulations may be a hazard to persons or property, he ^{Affixing tags}

(a) shall order that the appliance or work shall not be used until the order is complied with ;

(b) shall affix a tag in the prescribed form to the appliance or work and subject to subsection 4, no person except an inspector shall remove the tag ; and

(c) shall notify in writing the owner or person in charge of the appliance or work and the handler of the affixing of the tag.

(4) Where a tag has been affixed to the appliance or work, ^{Removal of tags} the tag shall not be removed except by a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations who has made the appliance or work conform to or comply with this Act and the regulations.

(5) When the tag is removed by a gas fitter, propane ^{Idem} fitter or oil-burner mechanic under subsection 4, the fitter or mechanic shall endorse his certificate number, name and address upon the tag and send it by prepaid registered mail or deliver it to the inspector who affixed the tag.

(6) No person shall remove a hydrocarbon from or ^{Use of tagged appliance} knowingly supply a hydrocarbon to an appliance or work to which a tag is attached, except a gas fitter, propane fitter or oil-burner mechanic certified under this Act and the regulations for the purpose of making the appliance or work conform to or comply with this Act and the regulations.

(7) No person shall use an appliance or work to which a ^{Idem} tag is attached.

(8) Any person who considers himself aggrieved by a decision ^{Appeal from inspector} or order of an inspector made under this section may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable but the bringing of such appeal does not affect the operation of the decision or order appealed from pending disposition of the appeal.

(9) An appeal to the Director may be made in writing or ^{Oral or written} orally or by telephone but the Director may require the

grounds for appeal to be specified in writing before the appeal is heard.

Powers of
Director

(10) On an appeal under this section, the Director may substitute his findings or opinion for those of the inspector who made the decision or order appealed from and may rescind or affirm the decision or order or make a new decision or order in substitution therefor and the decision or order of the Director shall stand in place of and have the like effect under this Act as the decision or order of the inspector.

Dangerous
accidents

9. Subject to the regulations, where it appears that carbon monoxide poisoning, asphyxiation, explosion or fire has occurred because of the use or handling of a hydrocarbon,

- (a) the handler shall forthwith notify an inspector of the occurrence by telephone, telegraph or other direct means; and
- (b) no person shall, except in the interests of public safety, saving life, relieving human suffering, continuity of service or preservation of property, interfere with or disturb any wreckage, article or thing at the scene of and connected with the occurrence, but in no case shall the wreckage, article or thing be carried away or destroyed by any person unless permission so to do is given by an inspector.

Sale of
appliance
where
approval
required

10. Where the regulations require the approval of an appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon, no person shall offer for sale, sell, lease, rent, buy or install the appliance or equipment or other thing unless it is approved.

Installation,
etc., of
appliance

11. No person shall install, alter, repair, service or remove any appliance or any equipment or other thing employed or to be employed in the handling or use of a hydrocarbon except in accordance with the regulations.

Handler's
licence

12. No person shall handle a hydrocarbon unless he is the holder of a licence for that purpose.

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(2) Subsection 1 does not apply where the installing, ^{Exception} altering, purging, activation, repair, service or removal is done by a person in the presence of a holder of the certificate referred to in subsection 1.

15.—(1) No person shall initially activate an appliance that ^{Notice of initial activation of appliance} is to be supplied with a hydrocarbon by pipeline without first giving notice in writing to the distributor of the address of the premises at which the installation was made or is to be made and the type of appliance supplied or to be supplied.

(2) Where premises are connected to a supply of hydro- ^{Examination before initial activation of appliance} carbon by pipeline for the first time, no person shall initially activate an appliance in the premises that is connected to the pipeline until the distributor of the hydrocarbon has examined the installation of the appliance and has accepted the installation and use as being in compliance with this Act and the regulations.

16. A distributor shall have access, at all reasonable times ^{Access by distributor} and upon reasonable notice, to all parts of every premises to which he supplies a hydrocarbon by pipeline for the purpose of,

- (a) examining any appliance in or on the premises and disconnecting the appliance if it, its installation or its use does not conform with this Act or the regulations, and
- (b) placing, protecting, setting, shutting off, removing, repairing or altering any meter or regulator owned by the distributor in or on the premises.

17.—(1) No person shall activate a pipeline until it has ^{Initial activation of pipeline} been examined and accepted as being in accordance with the regulations.

(2) The examination and acceptance required by sub- ^{Idem} section 1 shall be made by a person who holds a certificate as a pipeline inspector issued under the regulations.

18.—(1) No person shall dig, bore, trench, grade, excavate ^{Duty to inquire before excavation} or break ground with mechanical equipment or explosives without first ascertaining the location of any pipeline that may be interfered with.

(2) Where the owner of a pipeline is requested by any ^{Duty to provide information} person about to dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives to give the location of a pipeline for the purpose of subsection 1, he shall

within a reasonable time of the receipt of the request and having regard to all the circumstances of the case, furnish reasonable information as to the location of the pipeline.

Interference
with pipeline

19. No person shall interfere with or damage any pipeline without authority to do so.

Duty of
employer
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compliance

20.—(1) Every person who installs, removes, repairs, alters or services appliances or works shall instruct his employees to comply with this Act and the regulations.

Idem

(2) Every person who installs, removes, repairs, alters or services appliances or works shall take every precaution reasonable in the circumstances to ensure that his employees comply with this Act and the regulations.

Order for
priority
of use

21.—(1) Notwithstanding anything in this or any other Act, or in any contract for the supply of natural gas made between a distributor and a consumer, where the supply of natural gas to a distributor is interrupted or curtailed, the Minister may order a distributor to halt or reduce the supply of natural gas to a consumer or a class or classes of consumers if he considers it advisable in the circumstances.

Compliance

(2) Every person to whom such an order is directed shall comply therewith in accordance with its terms.

Issuance
of licences,
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tration

22.—(1) A licence, certificate or registration shall be issued or made by the Director and is subject to such terms and conditions as are therein contained or as prescribed by the regulations.

Refusal,
suspension
or revocation

(2) The Director may refuse to grant or renew or may suspend or revoke a licence, certificate or registration where,

- (a) the applicant or holder has contravened a provision of this Act or the regulations; or
- (b) there are reasonable grounds for believing that the applicant or holder is without capacity or not competent or lacks reasonable skill.

Notice of
proposed
refusal or
revocation

23.—(1) Where the Director proposes to refuse to grant or to refuse to renew or to suspend or revoke a licence, certificate or registration he shall serve notice of his proposal together with written reasons therefor, on the applicant or holder of the licence, certificate or registration.

(2) A notice under subsection 1 shall inform the applicant ^{Idem} or holder of the licence, certificate or registration that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

(3) Where an applicant or holder of a licence, certificate or registration does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence, certificate or registration, or carry out the proposal stated in his notice under subsection 1. ^{Powers of Director where no hearing}

(4) Where an applicant or holder of a licence, certificate or registration applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing. ^{Appointment for hearing}

(5) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence, certificate or registration, or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director. ^{Powers of judge where hearing}

(6) The Director may serve notice under subsection 1 ^{Service of notice} personally or by registered mail addressed to the applicant or the holder of the licence, certificate or registration at his address last known to the Director and where notice is served by registered mail the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(7) A judge to whom application is made by an applicant or the holder of a licence, certificate, or registration for a hearing under this section, may extend the time for making the application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or the holder of a licence, certificate or registration pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension. ^{Extension of time for application}

Continuation pending renewal	<p>(8) Where, within the time prescribed therefor or, if no time is prescribed, prior to the expiry of his licence, certificate or registration a holder of a licence, certificate or registration has applied for renewal of his licence, certificate or registration and paid the prescribed fee, his licence, certificate or registration shall be deemed to continue,</p> <p>(a) until the renewal is granted; or</p> <p>(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.</p>
Parties	<p>24.—(1) The Director, the applicant, the holder of the licence, certificate or registration who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.</p>
Opportunity to achieve compliance	<p>(2) Notice of a hearing under section 23 shall afford to the holder of a licence, certificate or registration a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence, certificate or registration.</p>
Examina- tion of documentary evidence	<p>(3) An applicant or holder of a licence, certificate or registration who is a party to proceedings under section 23 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.</p>
Recording evidence	<p>(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.</p>
Findings of fact	<p>(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of <i>The Statutory Powers Procedure Act, 1971</i>.</p>
Appeal to Supreme Court	<p>25.—(1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.</p>
Record to be filed	<p>(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence</p>

before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Minister entitled to be heard

(4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

26. Notwithstanding section 21, the Director by notice to the holder of a licence, certificate or registration and without a hearing, may provisionally refuse to renew or suspend the holder's licence, certificate or registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a proposal to revoke the licence, certificate or registration under section 22. Interim suspension pending final decision

27. Every person who,

Offences

- (a) contravenes or fails to comply with any provision of this Act or a regulation;
- (b) knowingly makes a false statement in any document required by the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence, certificate or registration;
- (d) contravenes or fails to comply with an order of an inspector given under section 8; or
- (e) contravenes or fails to comply with an order of the Minister made under section 21,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

28.—(1) The Lieutenant Governor in Council may make regulations for the handling and use of hydrocarbons and, in Regulations

particular and without limiting the generality of the foregoing, may make regulations,

- (a) regulating the installation, filling, testing, maintenance, repair, removal, replacement, inspection and use of appliances or works and the handling and use of hydrocarbons;
- (b) requiring and providing for the approval of design and construction standards for appliances and works;
- (c) designating organizations to test appliances to the standards approved under the regulations and providing for the placing of the label of such organization on the appliances and works that conform to the standards;
- (d) prohibiting the sale, purchase, renting and use of an appliance that does not bear the label of a testing organization or of the Department;
- (e) requiring the reporting of accidents;
- (f) requiring safety procedures to be filed by distributors and for the approval thereof by the Director and compliance therewith by distributors;
- (g) requiring owners of pipelines to develop procedures for locating pipelines and providing for the approval of such procedures by the Director;
- (h) providing for the registration of contractors and providing for the expiry and renewal of registration;
- (i) providing for the issue, expiry and renewal of licences, certificates or labels and prescribing terms and conditions upon which licences, certificates or labels may be issued or renewed;
- (j) prescribing the fees to be paid for the inspection of pipelines or appliances and prescribing by whom the fees shall be paid;
- (k) prescribing the fee payable for any application, examination, certificate, licence, label, registration, or renewal thereof;
- (l) prescribing forms and tags, and providing for their use;

- (m) providing for and requiring the keeping of records and plans and the making of affidavits, returns, statements or reports on the handling or use of a hydrocarbon;
- (n) exempting any person or any class of persons, and any appliance or work or any class of them from compliance with this Act and the regulations or of any of the provisions thereof;
- (o) for any matter provided in this Act to be done by regulation.

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code and may require compliance with any code that is so adopted. Adoption of codes by reference

(3) A regulation may be general or particular in its application. Limited application of regulations

29. This Act and the regulations prevail over any municipal by-law. Municipal by-laws

30. Every licence, certificate, label, registration or approval issued, made or given under *The Energy Act, 1964*, and in force on the day this Act comes into force shall be deemed to have been issued, made or given under this Act. Continuation of licences, etc.

31. Notwithstanding *The Energy Act, 1964*, this Act applies to the handling and use of hydrocarbons. Act supersedes 1964, c. 27

32. *The Energy Act, 1964, The Energy Amendment Act, 1965, The Energy Amendment Act, 1967 and The Energy Amendment Act, 1970* are repealed. 1964, c. 27
1965, c. 37
1967, c. 25
1970, c. 61
repealed

33. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

34. This Act may be cited as *The Energy Act, 1971*. Short title

An Act to Regulate
the Handling and Use of Hydrocarbons

1st Reading

June 28th, 1971

2nd Reading

July 8th, 1971

3rd Reading

July 8th, 1971

THE HON. GORDON CARTON
Minister of Labour

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Workmen's Compensation Act

THE HON. GORDON CARTON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendments increase the maximum compensation payable to widows and children.

BILL 92

1971

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c*, *d* and *e* of subsection 1 of section 37 of *The Workmen's Compensation Act*, as re-enacted by sub-
R.S.O. 1960, c. 437, s. 37, subs. 1 (1968, c. 143, s. 7, subs. 1), cls. c, d, e, re-enacted
 section 1 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, are repealed and the following substituted therefor:

- (*c*) where the widow or an invalid husband is the sole dependant, a monthly payment of \$175;
- (*d*) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$175, with an additional monthly payment of \$60 to be increased upon the death of the widow or invalid husband to \$70 for each child under the age of sixteen years;
- (*e*) where the dependants are children, a monthly payment of \$70 to each child under the age of sixteen years.

(2) Clauses *a*, *b* and *c* of subsection 3 of the said section 37, as re-enacted by subsection 2 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, are repealed and the following substituted therefor:
R.S.O. 1960, c. 437, s. 37, subs. 3 (1968, c. 143, s. 7, subs. 2), cls. a, b, c, re-enacted

- (*a*) where the widow or an invalid husband is the sole dependant, \$175;
- (*b*) where the dependants are a widow or an invalid husband and one or more children, \$175 for the widow or invalid husband with a further payment of \$60, to be increased on the death of the widow or invalid husband to \$70, for each child, not exceeding in the whole \$355; or

- (c) where the dependants are children, \$70 to each child, not exceeding in the whole \$355.

Application
of subss. 1, 2

(3) Subsections 1 and 2 apply to monthly payments coming due on or after the 1st day of August, 1971 whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsections 1 and 2 do not apply to payments due prior to the 1st day of August, 1971.

R.S.O. 1960,
c. 437, s. 44,
subs. 1,
amended

2.—(1) Subsection 1 of section 44 of *The Workmen's Compensation Act*, as amended by section 11 of *The Workmen's Compensation Amendment Act, 1968*, is further amended by striking out "\$7,000" in the amendment of 1968 and inserting in lieu thereof "\$9,000", so that the subsection shall read as follows:

How average
earnings to
be computed

- (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated but not so as in any case to exceed the rate of \$9,000 per annum.

Application
of subs. 1

(2) Subsection 1 applies only for the purpose of computing average earnings in respect of accidents occurring on or after the 1st day of August, 1971.

Commence-
ment

3. This Act comes into force on the 1st day of August, 1971.

Short title

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1971*.

SECTION 2. The earnings ceiling for compensation is increased from \$7,000 to \$9,000.

An Act to amend
The Workmen's Compensation Act

1st Reading

June 28th, 1971

2nd Reading

3rd Reading

THE HON. GORDON CARTON
Minister of Labour

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ~~ONTARIO~~
20 ELIZABETH II, 1971

An Act to amend The Workmen's Compensation Act

THE HON. GORDON CARTON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 92

1971

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c*, *d* and *e* of subsection 1 of section 37 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 437, s. 37,
subs. 1
(1968, c. 143,
s. 7, subs. 1),
cls. *c*, *d*, *e*,
re-enacted

- (*c*) where the widow or an invalid husband is the sole dependant, a monthly payment of \$175;
- (*d*) where the dependants are a widow or an invalid husband and one or more children, a monthly payment of \$175, with an additional monthly payment of \$60 to be increased upon the death of the widow or invalid husband to \$70 for each child under the age of sixteen years;
- (*e*) where the dependants are children, a monthly payment of \$70 to each child under the age of sixteen years.

(2) Clauses *a*, *b* and *c* of subsection 3 of the said section 37, as re-enacted by subsection 2 of section 7 of *The Workmen's Compensation Amendment Act, 1968*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 437, s. 37,
subs. 3
(1968, c. 143,
s. 7, subs. 2),
cls. *a*, *b*, *c*,
re-enacted

- (*a*) where the widow or an invalid husband is the sole dependant, \$175;
- (*b*) where the dependants are a widow or an invalid husband and one or more children, \$175 for the widow or invalid husband with a further payment of \$60, to be increased on the death of the widow or invalid husband to \$70, for each child, not exceeding in the whole \$355; or

- (c) where the dependants are children, \$70 to each child, not exceeding in the whole \$355.

Application
of subss. 1, 2

(3) Subsections 1 and 2 apply to monthly payments coming due on or after the 1st day of August, 1971 whether the accident occurred before or after that date and whether the award of compensation was made before or after that date, and subsections 1 and 2 do not apply to payments due prior to the 1st day of August, 1971.

R.S.O. 1960,
c. 437, s. 44,
subss. 1,
amended

2.—(1) Subsection 1 of section 44 of *The Workmen's Compensation Act*, as amended by section 11 of *The Workmen's Compensation Amendment Act, 1968*, is further amended by striking out "\$7,000" in the amendment of 1968 and inserting in lieu thereof "\$9,000", so that the subsection shall read as follows:

How average
earnings to
be computed

- (1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the workman was remunerated but not so as in any case to exceed the rate of \$9,000 per annum.

Application
of subss. 1

(2) Subsection 1 applies only for the purpose of computing average earnings in respect of accidents occurring on or after the 1st day of August, 1971.

Commence-
ment

3. This Act comes into force on the 1st day of August, 1971.

Short title

4. This Act may be cited as *The Workmen's Compensation Amendment Act, 1971*.

An Act to amend
The Workmen's Compensation Act

1st Reading

June 28th, 1971

2nd Reading

July 8th, 1971

3rd Reading

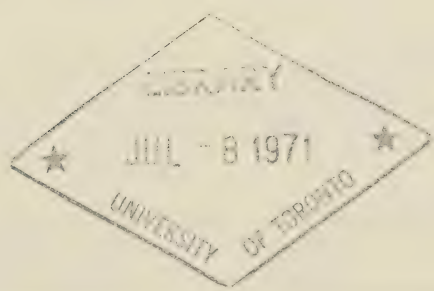
July 23rd, 1971

THE HON. GORDON CARTON
Minister of Labour

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Department of Energy and Resources Management Act**

THE HON. GEORGE A. KERR
Minister of Energy and Resources Management



TORONTO

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EXPLANATORY NOTE

The Bill changes the name of the Department to Department of the Environment and the title of the Minister to Minister of the Environment.

BILL 93

1971

An Act to amend The Department of Energy and Resources Management Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Energy and Resources Management Act*, as re-enacted by section 1 of *The Department of Energy Resources Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 95, title
(1964, c. 21,
s. 1),
re-enacted

The Department of the Environment Act.

2. Section 1 of *The Department of Energy and Resources Management Act*, as amended by section 2 of *The Department of Energy Resources Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 95, s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) "Department" means the Department of the Environment;

(b) "Minister" means the Minister of the Environment.

3. Subsection 1 of section 2 of *The Department of Energy and Resources Management Act*, as re-enacted by section 3 of *The Department of Energy Resources Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 95, s. 2,
subs. 1 of
(1964, c. 21,
s. 3),
re-enacted

(1) The department of the public service heretofore known as the Department of Energy and Resources Management is continued under the name "Department of the Environment".

Department
continued

Reference
to Minister
or
Department
in other Acts

4. Any mention of or reference to the Minister of Energy and Resources Management or the Department of Energy and Resources Management in any Act or regulation shall be deemed to be a mention of or reference to the Minister of the Environment or the Department of the Environment, respectively.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Energy and Resources Management Amendment Act, 1971*.

An Act to amend
The Department of Energy and
Resources Management Act

1st Reading

June 30th, 1971

2nd Reading

3rd Reading

THE HON. GEORGE A. KERR
Minister of Energy and
Resources Management

(Government Bill)

BILL 93

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

**An Act to amend
The Department of Energy and Resources Management Act**

THE HON. GEORGE A. KERR
Minister of Energy and Resources Management



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 93

1971

**An Act to amend
The Department of Energy and
Resources Management Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Department of Energy and Resources Management Act*, as re-enacted by section 1 of *The Department of Energy Resources Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 95, title
(1964, c. 21,
s. 1),
re-enacted

The Department of the Environment Act.

2. Section 1 of *The Department of Energy and Resources Management Act*, as amended by section 2 of *The Department of Energy Resources Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 95, s. 1,
re-enacted

1. In this Act,

Interpre-
tation

(a) "Department" means the Department of the Environment;

(b) "Minister" means the Minister of the Environment.

3. Subsection 1 of section 2 of *The Department of Energy and Resources Management Act*, as re-enacted by section 3 of *The Department of Energy Resources Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 95, s. 2,
subs. 1
(1964, c. 21,
s. 3),
re-enacted

(1) The department of the public service heretofore known as the Department of Energy and Resources Management is continued under the name "Department of the Environment".

Department
continued

Reference
to Minister
or
Department
in other Acts

4. Any mention of or reference to the Minister of Energy and Resources Management or the Department of Energy and Resources Management in any Act or regulation shall be deemed to be a mention of or reference to the Minister of the Environment or the Department of the Environment, respectively.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Department of Energy and Resources Management Amendment Act, 1971*.

An Act to amend
The Department of Energy and
Resources Management Act

1st Reading

June 30th, 1971

2nd Reading

July 21st, 1971

3rd Reading

July 23rd, 1971

THE HON. GEORGE A. KERR
Minister of Energy and
Resources Management

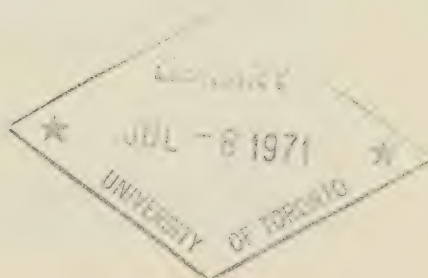
BILL 95**Government Bill**

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Conservation Authorities Act, 1968

THE HON. GEORGE A. KERR
Minister of Energy and Resources Management

Bill 94 bound separately.



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EXPLANATORY NOTES

SECTION 1. The title of the head of the Department is amended to correspond to the change in the name of the Department in the Bill entitled "*An Act to amend the Department of Energy and Resources Management*".

SECTION 2. The provisions of the Act relating to the Metropolitan Toronto and Region Conservation Authority are amended to provide that the Lieutenant Governor in Council may designate the participating municipalities, the territorial jurisdiction of the Authority and the grouping of municipalities for membership purposes.

**An Act to amend
The Conservation Authorities Act, 1968**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor: 1968, c. 15,
s. 1, cl. *g*,
re-enacted

(*g*) "Minister" means the Minister of the Environment.

2. Section 4 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor: 1968, c. 15,
s. 4,
re-enacted

4.—(1) In this section, "Metropolitan Conservation Authority" means The Metropolitan Toronto and Region Conservation Authority. Interpre-
tation

(2) The Metropolitan Toronto and Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1970, as it may be altered under this Act. Metropolitan
Conservation
Authority
continued

(3) The municipalities that are participating municipalities of the Metropolitan Conservation Authority on the 31st day of December, 1970, shall continue to be participating municipalities until otherwise provided under subsection 4. Present
participating
municipalities

(4) The Lieutenant Governor in Council may designate, Designation
of partici-
pating
municipalities,
area and
appointment
of members

(*a*) the municipalities that are the participating municipalities of the Metropolitan Conservation Authority;

(*b*) the area over which the Metropolitan Conservation Authority has jurisdiction; and

- (c) any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Metropolitan Conservation Authority.

Members

- (5) Notwithstanding section 12, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities.

1968, c. 15,
s. 5,
re-enacted

3. Section 5 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor:

Hamilton
Region
Conservation
Authority
continued

- 5.—(1) The Hamilton Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1970, as it may be altered in accordance with this Act.

Present
participating
municipalities

- (2) The municipalities that were participating municipalities of the Hamilton Region Conservation Authority on the 31st day of December, 1970, shall continue to be participating municipalities until otherwise provided under subsection 3.

Designation
of partici-
pating
muni-
cipalities

- (3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction.

Members

- (4) Notwithstanding section 12, the number of members appointed by the City of Hamilton shall, at all times, be equal to the total number of members appointed by the other participating municipalities.

1968, c. 15,
s. 19, cl. e,
repealed

4. Clause *e* of section 19 of *The Conservation Authorities Act, 1968* is repealed.

1968, c. 15,
s. 26, subs. 1,
cls. *d*, *e*,
re-enacted

5.—(1) Clauses *d* and *e* of subsection 1 of section 26 of *The Conservation Authorities Act, 1968* are repealed and the following substituted therefor:

- (*d*) providing for the appointment of officers to enforce any regulation made under this section or section 27;
- (*e*) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area susceptible to flooding during a regional

SECTION 3. The provisions of the Act relating to the Hamilton Region Conservation Authority are amended to provide that the Lieutenant Governor in Council may designate the participating municipalities and the territorial jurisdiction of the Authority.

SECTION 4. Section 19 (*c*) of the Act giving an authority power to expropriate the whole of a lot or parcel and to sell any part thereof is repealed.

SECTION 5. Subsection 1. The responsibility of officers appointed under section 26 (1) (*d*) is enlarged to include regulations under section 27 of the Act. The reference to an area below the high-water mark in section 26 (1) (*e*) is changed to refer to an area susceptible to flooding.

Subsection 2. The clause is amended to refer to the use of water for municipal purposes.

SECTION 6. The reference to *The Expropriation Procedures Act, 1962-63* is up-dated.

storm, and defining regional storms for the purposes of such regulations.

(2) Clause *b* of subsection 2 of the said section 26 is repealed and the following substituted therefor:

1968, c. 15,
s. 26, subs. 2,
cl. *b*,
re-enacted

(*b*) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes.

6. Section 29 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor:

1968, c. 15,
s. 29,
re-enacted

29. *The Expropriations Act, 1968-69* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers.

Application
of 1968-69,
c. 36

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Conservation Authorities Amendment Act, 1971*.

Short title

An Act to amend
The Conservation Authorities
Act, 1968

1st Reading

June 30th, 1971

2nd Reading

3rd Reading

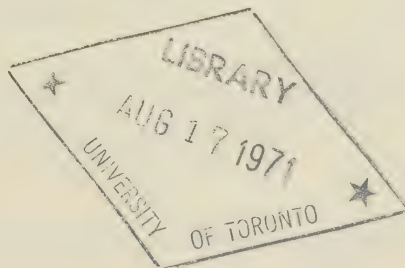
THE HON. GEORGE A. KERR
Minister of Energy and
Resources Management

(Government Bill)

4TH SESSION, 28TH LEGISLATURE, ONTARIO
20 ELIZABETH II, 1971

An Act to amend The Conservation Authorities Act, 1968

THE HON. GEORGE A. KERR
Minister of Energy and Resources Management



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 95

1971

An Act to amend The Conservation Authorities Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor: 1968, c. 15,
s. 1, cl. *g*,
re-enacted

(*g*) "Minister" means the Minister of the Environment.

2. Section 4 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor: 1968, c. 15,
s. 4,
re-enacted

4.—(1) In this section, "Metropolitan Conservation Authority" means The Metropolitan Toronto and Region Conservation Authority. Interpre-
tation

(2) The Metropolitan Toronto and Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1970, as it may be altered under this Act. Metropolitan
Conservation
Authority
continued

(3) The municipalities that are participating municipalities of the Metropolitan Conservation Authority on the 31st day of December, 1970, shall continue to be participating municipalities until otherwise provided under subsection 4. Present
participating
municipalities

(4) The Lieutenant Governor in Council may designate, Designation
of partici-
pating
municipalities,
area and
appointment
of members

(a) the municipalities that are the participating municipalities of the Metropolitan Conservation Authority;

(b) the area over which the Metropolitan Conservation Authority has jurisdiction; and

- (c) any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to the Metropolitan Conservation Authority.

Members

- (5) Notwithstanding section 12, the number of members appointed to the Metropolitan Conservation Authority by The Municipality of Metropolitan Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities.

1968, c. 15,
s. 5,
re-enacted

3. Section 5 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor:

Hamilton
Region
Conservation
Authority
continued

- 5.—(1) The Hamilton Region Conservation Authority is continued and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1970, as it may be altered in accordance with this Act.

Present
participating
municipalities

- (2) The municipalities that were participating municipalities of the Hamilton Region Conservation Authority on the 31st day of December, 1970, shall continue to be participating municipalities until otherwise provided under subsection 3.

Designation
of partici-
pating
municipalities

- (3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction.

Members

- (4) Notwithstanding section 12, the number of members appointed by the City of Hamilton shall, at all times, be equal to the total number of members appointed by the other participating municipalities.

1968, c. 15,
s. 19, cl. e,
repealed

4. Clause *e* of section 19 of *The Conservation Authorities Act, 1968* is repealed.

1968, c. 15,
s. 26, subs. 1,
cls. *d*, *e*,
re-enacted

5.—(1) Clauses *d* and *e* of subsection 1 of section 26 of *The Conservation Authorities Act, 1968* are repealed and the following substituted therefor:

- (*d*) providing for the appointment of officers to enforce any regulation made under this section or section 27;
- (*e*) prohibiting or regulating the construction of any building or structure in or on a pond or swamp or in any area susceptible to flooding during a regional

storm, and defining regional storms for the purposes of such regulations.

(2) Clause *b* of subsection 2 of the said section 26 is repealed and the following substituted therefor: 1968, c. 15, s. 26, subs. 2, cl. 6, re-enacted

(*b*) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes.

6. Section 29 of *The Conservation Authorities Act, 1968* is repealed and the following substituted therefor: 1968, c. 15, s. 29, re-enacted

29. *The Expropriations Act, 1968-69* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers. Application of 1968-69, c. 36

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The Conservation Authorities Amendment Act, 1971*. Short title

An Act to amend
The Conservation Authorities
Act, 1968

1st Reading

June 30th, 1971

2nd Reading

July 22nd, 1971

3rd Reading

July 23rd, 1971

THE HON. GEORGE A. KERR
Minister of Energy and
Resources Management

